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ABSTRACT

To provide guidance and advice regarding day-to-day responsibilities of new and experienced school administrators and superintendents in New York State, this compendium of knowledge and advice submitted by practitioners is presented with emphasis on all major aspects of superintendency. The section on general aspects of superintendency includes "The Essence of School Leadership" (Fritz Hess); "Do's and Don'ts for the Superintendent" (Richard W. Moomaw and Charles C. Aquino); "Models of School Management" (Jerry J. Cicchelli); "Leadership and Management in a BOCES District" (Clifford N. Crooks); and "The Superintendent's Contract" (Dennis G. O'Hara). In the section on governance in the school district are "Superintendent-School Board Relationships" (Robert W. Heller) and "Boardsmanship from the Superintendent's Perspective" (Joseph Executive). The section on planning includes "Planning in the Local School District" (Laura R. Fliegner) and "Declining Enrollment in the School District" (Katherine E. Keough). The section on curriculum has "Developing a Curriculum Management System" (Richard D. Hibschman) and "Computers in Instruction" (Judith Lasher Duken and Joeseph S. Verdone.) The section on student affairs includes "Discipline in American Schools" (Donald C. Parker); "Working with Minority Students" (Daniel A. Domenech); and "Special Education in the School District" (Ann P. Myers). "Faculty Study: Essential Ingredients" (Ira J. Singer) and "Collective Negotiations" (John J. Keough) are presented in the section on personnel. In the section on facilities is "Facilities Planning and School District Reorganization" (Basil L. Hick). The section on school business management includes "School District Budgeting" (August E. Cerrito); "State Financial Aid" (Larry Steinhart and Janice Biros); "Investment of District Funds" (James Barnes); "Purchasing in the School District" (Charles Button);

"Insurance in the School District" (Paul Jensen); and "Pupil Transportation in New York State" (Lee Comeau). In the section on school-government relationships are "Relations with Local Governments" (Joan M. Raymond) and "Relationships with State and Federal Governments" (Donald H. Layton and John E. Sackett). The section on school-community relationships includes "Community Relations for the Superintendent" (Thomas Sobol) and "Working with Special Interest Groups" (Joshua Segal). In the final section, Dennis G. O'Hara cites pertinent legal and regulatory provisions. (WTH)

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# GUIDEBOOK
# FOR
# SCHOOL
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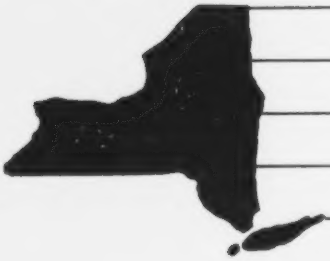

**NEW YORK STATE
COUNCIL OF
SCHOOL
SUPERINTENDENTS**

**FRITZ HESS
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New York State
Council of School Superintendents

111 Washington Avenue • Albany, New York 12210 • 518/449-1063
*Over 100 Years of Educational Leadership*

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Clarkstown Public Schools
Parrott Road
West Nyack, New York 10994

John H. Bennett, *Executive Director*
Margaret Karpus, *Assistant Director*

January 1986

Dear Colleagues:

We believe our Guidebook for School Administrators is a signal contribution to New York educational leadership. The authors have combined both philosophic as well as pragmatic advice for the practicing administrator. The combined document provides the blueprint for sound administrative policy and program as each article is easily identified as a foundation plank of educational administration.

The Guidebook for School Administrators was first suggested and then developed under the leadership of Dr. Fritz Hess, Superintendent of Schools, East Syracuse-Minoa. The Officers and Executive Committee of the Council made a commitment for the publication of the Guidebook. Fritz agreed to assume the responsibility for selection of topics and implementation of the articles and information contained herein.

The authors deserve special praise for their willingness to assume the responsibility for the individual articles. The time and effort which was expended by each of them is a tribute to the commitment they had to the Guidebook. The Council of School Superintendents has a long history of professional sharing. This Guidebook is testimony to the endeavors of our contributors for the betterment of public education.

We welcome your comments and reactions to the Guidebook. We commend it for your use.

Best personal regards.

Fraternally,

John Henry Bennett

John H. Bennett
Executive Director

JHB/k

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Opinions and conclusions expressed in the Guidebook for School Administrators should not be interpreted as those of the New York State Council of School Superintendents.

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# INTRODUCTION

This Guidebook for School Administrators has a lofty purpose, an interesting history, and numerous contributors. Each of these ingredients deserves comment.

As its title suggests, the purpose of this volume is to provide guidance to school administrators, and especially superintendents of schools, in New York State. It was born out of the concerns on the part of the New York State Council of School Superintendents that new practitioners needed a compendium of advice regarding the day-to-day responsibilities of the office. That purpose has been fulfilled in this work, which addresses every major aspect of superintendency, from general considerations, to relationships with boards of education, to planning, to curriculum, to student affairs, to personnel, to facilities, to finance, to governmental and community relationships in a readily understandable manner. New superintendents will doubtlessly refer to its pages on numerous occasions throughout their initial years on the job.

However, in producing this volume, the New York State Council of School Superintendents has also served other purposes. It has produced a volume that will serve experienced practitioners, as well as new ones. Those who have served this profession for five, or ten, or twenty, or more years will find different uses for this Guidebook. They will come to value the reviews of important topics which it provides, since no superintendent can retain the full range of details concerning these areas over an extended period of time. Experienced chief school executives will also value the special insights on a wide range of topics which are contained in its pages.

Perhaps most importantly, the development of this volume has served a purpose which none of its makers, with the possible exception of John Bennett, anticipated at the outset of this effort. In producing this volume, the Council has succeeded in summarizing an important measure of the collective wisdom of its members. In providing a sample, and a small sample at that, of advice concerning specific topics, the Council has developed an example of the kind of expertise which exists in its ranks. This type of contribution has been sorely needed by the profession. The universities have long produced important research concerning school administration. However, practitioners in the field have often failed to describe their worlds in papers or collections of articles. This situation has been most unfortunate, since the field, those hundreds of school districts throughout this state and the thousands more throughout the nation, is the place where the profession of school leadership really exists. Hopefully, the expertise summarized in this volume will be worthy of the profession and hopefully, the volume will not be the last of its kind to appear.

This Guidebook for School Administrators also has an interesting history, one which cannot be fully summarized in a single paragraph. The most important influence on that history was the decision of the Council to undertake this process internally, rather than contract the job out to a consultant or a consulting organization. With all due respect to consultants, this decision probably contributed to the quality of this volume, since no consulting organization could have collected the professional expertise contained herein. However, this decision also placed a considerable burden on the members of the Council responsible for assembling the Guidebook. During the past several months, each of us has struggled to produce a paper that would be worthy of the Council and the profession. A number of other activities have intervened, from the end of one school year, to summer responsibilities and vacations, to the beginning of another year. In all of this, there has been pressure to complete the Guidebook and somehow discharge other obligations at the same time. There has also been a good deal of discussion, orally and through the mails, concerning almost every section of this work. Through all of this, each contributor has succeeded in producing high quality material. The rather brief history of this document is a real tribute to the strength of the Council and the abilities of its individual members.

Accordingly, this Introduction must make reference to the contributors and material which have made this Guidebook possible. The volume begins with discussions of general aspects of school superintendency. My thoughts on the essence of school leadership are directed both to the profession and the Guidebook. Richard Moomaw and Charles Aquino have provided a collection of insightful advice concerning the practice of school superintendency in various areas. Jerry Ciccelli has developed a useful survey of existing models of school management with particular reference to one effective approach. Clifford Crooks has contributed a truly excellent survey of BOCES leadership. His comments on characteristics of BOCES superintendency which conclude this paper deserve to be reprinted. Dennis O'Hara has offered a wealth of technical and practical advice on the superintendent's contract, one that should be read and reread by each practitioner.

The Guidebook also addresses school governance, a crucial area for superintendents. Robert Heller has summarized superintendent - board of education relationships and assembled savvy advice concerning a variety of concerns. Joseph Executive, who asked to remain anonymous, has offered insightful, visceral comments regarding this area.

This volume also addresses planning in the school district, an area of increasing concern. Laura Fliegner has developed an excellent summary of planning considerations for the superintendent, as well as the rationales which underlie these guidelines. Katherine Keough has offered a wide-ranging treatment of planning for school district reorganization, an important fact of life in today's school environment.

The Guidebook provides important materials concerning the superintendent's role in school curricula. Richard Hibschman has contributed a masterful presentation concerning curriculum development at the district level. His comments emphasize the complexity and the importance of this process. Joseph Verdone and Judith Duken have developed an excellent analysis of the role of computers in education, one which will prove especially valuable to districts approaching this area.

Student affairs are also the subject of a number of useful papers. Donald Parker has offered a comprehensive outline of the challenges of school discipline, one which includes the results of recent judicial activity in this area. Daniel Domenech has contributed an incomparable treatment of the needs of minority students, a truly thought-provoking essay. Ann Myers has provided an excellent summary of special education in the school district. Her paper outlines all major aspects of this area and important guidelines for the superintendent.

The Guidebook also addresses personnel. Ira Singer has generated a collection of useful insights concerning district level professional development programs for teachers. John Keough has contributed a wealth of sage advice concerning collective bargaining, including numerous practical insights which should prove invaluable to local executives.

In addition to the discussions of facilities which supplement other sections of the Guidebook, the volume includes a presentation dedicated to this area. Basil Hick has offered the results of his extensive experience concerning virtually all areas of facilities management and planning.

The crucial area of school finance is the subject of a series of useful papers. August Cerrito has summarized his endless expertise concerning school finance in a comprehensive treatment of budget planning. Lawrence Steinhart and Janice Biros have generated an indepth description of State aid, one which will be referred to by superintendents throughout New York. James Barnes has offered an effective treatment of investments by school districts. Charles Button has produced a very useful outline of school district purchasing and contracts, including important advice for the superintendents. Paul Jensen has assembled a comprehensive introduction to insurance in the school district, one which deserves review by every executive dealing with this area. Lee Comeau has generated an excellent summary of school district transportation which addresses existing regulations and board of education policy-making in this area.

The Guidebook also includes important materials concerning school - government relationships. Joan Raymond has analyzed relationships with local government and identified future challenges in this area which must be faced by the profession. Her discussion of these challenges should be read by every superintendent. Donald Layton and John Sackett have provided a truly exhaustive discussion of administrative relationships with state and federal governments, filled with advice for superintendents with all levels of experience.

The Guidebook contains two masterful papers concerning school-community relationships. Thomas Sobol has assembled an outstanding analysis of community relations for the school superintendent, one which contains endless amounts of invaluable advice. Joshua Segal has developed a rational and comprehensive evaluation of the role of the superintendent in working with special interest groups, a presentation which includes useful sample documents for local executives.

The Guidebook concludes with an outline of important regulatory provisions which concern these areas, compiled by Dennis O'Hara. This outline should enable executives to identify relevant legal materials in a short period of time.

Each of these contributors has given this Guidebook a wealth of insight, knowledge, and "gut" feeling tempered by experience. Each deserves the gratitude of everyone who reads it.

In assembling this volume, the Council is also indebted to an editorial staff of truly unique expertise. The organizational, formatting, typing abilities of Maryann Kyser and Louise Smalley have been crucial to the completion of the Guidebook. Maryann's work with a number of papers and her coordination of the publication process were instrumental in pulling this volume together. Louise's dedicated formatting and typing, extended into long hours of numerous evenings, were without equal. The editing process also depended on the careful reading and advice of Jim Barnes, whose attention to detail and thoughtful consideration of each word have become legendary. To each of you, and anyone else who had anything to do with the completion of this effort, thank you.

Fritz Hess

East Syracuse, New York
October 1985

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# THE ESSENCE OF SCHOOL LEADERSHIP

Fritz Hess
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East Syracuse, New York

## Introduction

Much has been written concerning the practice of leadership by the superintendent of schools in the American local school district. The functions of superintendents have been analyzed from an academic perspective. Their duties have been identified and dissected, then evaluated for consistency and effectiveness. The office of superintendent has also been considered from legal and historical perspectives. Its theoretical relationships to the board of education and other components of the district have been defined, both in the present and throughout the past century. The work of the superintendent has also been addressed from the standpoint of the problems of American education. Individuals have attempted to identify the current dilemmas of the office and have sought to develop solutions.

Each of these efforts has made a notable contribution to school superintendency. Each has focused on one specific aspect of the position. However, each has also failed to capture the essence of the job, that unique something which, through the day-to-day workings of the office, makes school superintendency what it is.

In order to define the essence of American school superintendency, the operational aspects of the position must be thoroughly addressed. It must be recognized that this position is fundamentally an operational one, a job concerned with management of the day-to-day workings of education. Here, in that building block of American society, in the educational system which makes this nation so unique, lie the ingredients of the essence of school leadership. Here, in community school systems throughout New York State and the nation, those ingredients must be investigated by those who wish to understand and improve school superintendency.

## The Ingredients of School Superintendency

The essence of American school superintendency is based in those operational aspects of the position with which every member of the profession is familiar. There lie the critical skills which are prerequisites for the job. It should be emphasized that these skills, these ingredients, are the most basic essentials for the position. They generally contribute to mere survival, rather than true success.

Many of these ingredients are technical in nature. Although superintendency emphasizes general leadership, it requires management of countless technical areas. No superintendent can become well-versed in each of these technical fields. Yet all must develop sufficient familiarity with them to provide effective leadership for the district as a whole. Because many of these areas are related only in their connections to the educational program of the district, this is no easy task.

One of the most important of these technical areas is curriculum, the basis of the educational program. No superintendent can afford to leave all aspects of this function to the assistant superintendent for instruction, or to the teachers, or to the parents. Superintendents are hired to provide educational leadership and education begins with curriculum. School leaders can develop technical expertise in this area by refreshing their previous knowledge of school curricula through reading of available literature and district curriculum materials. They can keep in touch with current efforts in the school system through discussions with staff, with teachers, and with other members of the district. Through these activities, superintendents can develop and maintain sufficient experience with curriculum to provide effective direction for the board of education and the district.

The business component of school leadership is another critical aspect of the educational program. In this area, as in curriculum, a skilled staff is absolutely necessary. However, no superintendent should leave this function to the business office, or to board of education members with particular interests in the area, or to anyone else. Superintendents bear ultimate responsibility for business/financial leadership, as well as other aspects of district management. The best way to exercise that leadership is through familiarity with the general aspects of the function. This skill can be developed through general supervision of the revenue and expenditure activities of the district. Throughout the budget process and the remainder of the school year, the executive officer can monitor the status of State Aid, local taxation, and other sources of funds, ensuring that the school system will have sufficient resources to meet its obligations. At the same time, the superintendent can also monitor expenditures through general review of periodic reports of spending and through management of special projects, such as reviews of insurance coverages and purchases of school buses. In these activities, the superintendent should rely on information provided by the school business office and available literature. He/She should also use the involvement of the executive office to maintain leadership in the development and allocation of school resources.

Another area where the technical skills of the superintendent are required is the legal and governmental dimension of school leadership. This area embraces the numerous policies and regulations which every district must meet and administer, concerning topics that range from board-superintendent relationships, to student discipline, to special education, to working with groups in the community. For many school leaders, this area includes some of the most mundane and outright boring aspects of the position. However, the functions of the superintendent here are crucial. He/She must participate in the development and maintenance of a rational system of policies which will allow the work of education to occur in an orderly fashion. The failure to maintain such policies can result in headaches such as the deterioration of board-superintendent relationships, difficulties with parents concerning student suspensions and other aspects of discipline, problems with the district's special education programs, and charges of discrimination from groups within the community. The level of participation by the superintendent in these areas will vary. Total immersion in policies governing board-superintendent relationships, such as the identification of areas of responsibility for each of these parties and negotiation of the superintendent's contract, is absolutely essential. General oversight of areas such as special education and relationships with community groups is possible if administrative staff members in these areas are capable. However, as the executive officer of the district, the individual most responsible for the implementation of policy, the superintendent must be conversant with and skilled in the full range of school policies. This requires study of existing policies and executive participation, either directly or indirectly, in the development of new ones. It also requires the use of legal services, as appropriate. No school leader should underrate the legal implications of issues, especially in areas such as student discipline and the superintendent's contract. As acknowledged leader of the local school community, the superintendent is looked to for pronouncements, for sage advice, and for informed opinions on the full range of school policies. Every local district executive must be prepared to respond to these requests.

These discussions of technical aspects of school leadership in the areas of curriculum, business affairs, and district policy are intended to serve as examples, rather than as an exhaustive treatment. Countless volumes have been written about these areas, as well as other fields such as collective bargaining, facilities management, transportation, and the like. The importance of this discussion is its emphasis on the number and diversity of specific types of technical knowledge which are necessary for school superintendency. Accession to the executive office of the local district does not, as some would believe, excuse the administrator from familiarity with the technical ingredients of education. It does not, as some authorities suggest, permit one to become a delegator if one is good at delegating. Day-to-day leadership in the local school district requires increased, not reduced, familiarity with the technical aspects of education. As the most visible manifestation of school leadership in the community, the superintendent is constantly confronted with questions regarding curriculum, personnel, resources, and relationships between education and society by the board of education, staff, members of the public, and the media. Survival as a superintendent requires the development of the technical ingredients of school leadership, as well as the updating of those ingredients on a daily basis.

In addition to technical abilities, survival in school leadership also requires human relations skills. As chief executive officer of education at the community level, the superintendent must interact with a diverse range of individuals and groups, ranging from board members; to staff - administrative, instructional, and non-instructional; to parents; to students; to other members of the public; to government officials. The ingredients of school leadership include the human relations skills necessary to deal effectively with each of these groups. These "people skills" are necessary to advance the interests of local education among the conflicting range of organizational dynamics within the district, as well as amid public perceptions, media viewpoints, and legislative actions at the district's periphery.

One of the most important human relations skills required for superintendency is boardsmanship. School boards hire and sometimes fire district executives; they are their constant companions on the road of educational governance. School boards existed before superintendents in the United States, and board members take their obligations seriously. In addition to the technical aspects discussed previously, relationships between the board of education and the superintendent are based on a good deal of personal interaction. In order to interact effectively with board members, the superintendent must communicate and listen. He must provide board members with the information necessary to carry out their responsibilities, generate updates on the district's program, and furnish advice on specific topics. He must also spend time listening to the concerns of each member, to suggestions for areas that need to be addressed, and to opinions expressed to board members by the public. These skills are not easily developed in the classroom. They must be perfected through actual practice in the field. The complexity and multiplicity of these situations sometimes defy description, since each board of education and each board member presents unique opportunities and challenges to the skills of the superintendent.

Staff management is another crucial area for the application of human relations skills by the superintendent. The local district contains a variety of types of personnel, ranging from the administrative staff of the district office, to building administrators, to teachers, to bus drivers, to maintenance, to cafeteria, and to clerical staff. Most of these personnel are managed by department or unit supervisors, yet all are ultimately accountable to the superintendent, the chief executive officer of the district. It is the responsibility of the superintendent to develop a style of management for the district, one which stimulates maximum staff productivity and maximum staff development. This style of management requires numerous human relations skills: the inspirational qualities of a head cheerleader, the guidance of a senior administrator, the strategy of a collective bargainer. Few of these qualities can be described in graduate school textbooks or other instructional materials. They require experience with people, patience with human failings, and a commitment to the ability of individuals and groups to provide effective education in local districts. These important skills are another essential ingredient of school leadership.

Community relations are another group of human relations skills required by the school superintendent. Local districts do not have the luxuries which separation from neighborhoods and rural routes sometimes bring. With few exceptions, they are accountable to their constituents on a continuous basis. Their budgets are scrutinized annually through referenda or other mechanisms. Their activities are discussed between parents and children, parents and parents, parents and other members of the public, the media and the public, and various other combinations of the above. These circumstances involve the superintendent in community relations on a daily basis. They require that the district executive develop proficiency in a wide variety of interactions. These include those which involve parents, both one-to-one discussions and contact with parent groups; those which involve the public in general, at board meetings, in other types of district gatherings, and through membership on organizational committees and boards; those which involve specific groups within the community, those which want to influence district programs and those which desire to use district facilities and services; and those involving the media, which pervade many of these relationships. In order to survive in his/her position, each superintendent must develop proficiency in these interactions. Success in this area can contribute measurably to the effectiveness of district programs. Failure can severely handicap executive leadership.

Relationships with government are another set of human relations skills which must be developed by each superintendent of schools. School districts are influenced by a wide variety of government units, from the federal Department of Education, to the Congress, to (in New York) the State Department of Education, to the State Legislature, to local government. Dealing with each of these units of governments involves a combination of skills. A few of these are technical; they relate to the powers and duties of each unit. However, most are human relations abilities. The superintendent must develop relationships with employees of the State Education Department responsible for the administration of district programs. He/She must be able to communicate with State legislators who influence the appropriation of funds for these programs. Superintendents must also have access to the federal government, especially those units which manage programs operated by the district. School leaders must also relate to local government officials who may be responsible for taxation, utilities, or other areas which concern the operation of the district. Some of these governmental relationships can be addressed effectively through collective associations, by the New York State Council of School Superintendents or other professional associations. Other relationships lend themselves to specific initiatives by individual executives. However, each of these approaches requires the development of human relations skills. The concerns of each superintendent must be communicated to the Council and other associations through participation in organizational activities. Dues-paying membership is only the beginning of support for such organizations. Over the long term, executives can also develop relationships with State legislators representing the community and with officials of local government. These relationships are based on periodic communication exercised over long periods of time. All of these activities should be pursued by school leaders at the district level.

These discussions of human relations aspects of school superintendency which involve boards of education, staff, members of the community, and units of government are not intended to be exhaustive. Each of these areas requires detailed review and planning. The role of human relations in interaction with other entities, such as Boards of Cooperative Educational Services (BOCES) and groups which may coalesce around specific issues such as school district reorganization, also requires evaluation. Effective leadership is possible only when the superintendent becomes familiar with the concerns of each of these groups and develops human relationships with each.

The preceding discussion has focused on the essential ingredients of school leadership at the district level. It has summarized the technical and human relations abilities which superintendents must master in order to survive in their positions. One of the most striking aspects of these capabilities is their multiplicity. At each level of technical and human relations skills, the district executive must address a wide variety of types of information, constituencies, and needs. No staff, however expert, can replace the capabilities required by the superintendent, since the chief executive must provide leadership and be accountable for the implementation of all school programs. The superintendent must use these technical and human relations skills to operationalize leadership on a day-to-day basis.

## The Elusive Quantities

Beyond these basic ingredients of superintendency, the essence of school leadership includes additional quantities. These capabilities, which sometimes resist precise definition, add to the results generated by technical and human relations skills. They help transform the work of superintendents from mere survival to success. They enable the school leader, on a day-to-day basis, to move from adequacy to true effectiveness.

One of the most important of these capabilities is effective decision-making. This is neither a technical nor a human relations skill, but it takes advantage of both. School leaders, like tribal chieftains, are paid to make decisions. The amount of time that these and other executives must devote to making decisions increases as they move up management ladders. Effective decision-making involves defining problems or diagnosing situations, gathering relevant information, formulating and analyzing alternatives, comparing the findings, and, finally, reaching a decision. Decision-making can involve groups. Group decision-making has been found to generate more accurate information and greater ranges of alternatives. Groups may employ proven approaches such as the Delphi technique. Whatever the means, every superintendent should build into decision-making a margin of safety for the unexpected. Murphy's Law may not be universally true, but if it happens, the leader is invariably left to cope with its results. Decision-making can be enhanced by talents such as analytical ability, conceptual ability, logic, intuitive judgement, creativity, tolerance, open-mindedness, and tolerance. A number of these will be discussed in detail subsequently.

Another essential quantity for success in school leadership is intuition. Authorities report that hunches are frequently truer than conscious reasoning, especially when all relevant information is not accessible. It has been noted that, in making important decisions, executives frequently analyze their 'gut' feelings, as well as available data. Superintendents should evaluate intuitive factors such as first impressions of programs, of job applicants, of business associates, as well as other intangibles such as their own biases, anticipated actions of other parties, and 'gut' feelings about events and circumstances before proceeding with major courses of action.

Another elusive quantity which makes for effective school leadership is positive self regard. This capability has been defined on various levels. It has been characterized as the ability of leaders to identify their strengths and to fit those strengths into the resources of their organizations. It has also been characterized as healthy egotism, the degree of belief in oneself which allows an individual to succeed in a demanding role. It has also been characterized as lack of fixation with failure, the so-called Wallenda Factor. Authorities have reported that many effective leaders neither fear nor avoid failure, they simply don't pay much attention to it. This factor might be defined as the ability to receive negative feedback without being destroyed by it. Successful leadership requires the projection of positive self regard through entire organizations. It involves transplanting the productive and competitive aspects of individual character into the personalities of the organization. Many superintendents do not realize the extent to which leadership is expected of them. These expectations are usually visible in the eyes of students, as they are introduced to Dr., or Mr., or Ms. Executive. However, the same expectations also emanate from the board of education, from the staff, and from the community as a whole. Any or all of these groups may be the sources of occasional criticism, yet, when the chips are down or when answers are needed, all eyes turn to the superintendent. In these circumstances, positive self-regard cannot guarantee success. However, negative self-regard will usually ensure failure. Superintendency is a leadership position. It involves the mobilization of extensive human resources. Positive self regard on the part of the leader is multiplied in the resources of the organization. The more complete that multiplication in the local district, the greater the possibility of success.

Another of those elusive quantities which contribute to the essence of school leadership is endurance. Leadership is a tough business. For every person who becomes a school superintendent, there are several who aspire to the position but never attain it. The job, as well as success in the job, goes to the person who endures. Leadership is frequently a frustrating activity. The odds are that people will not always agree on a course of action; the more numerous the people the greater opportunity for lack of agreement. This is especially true in the local school district where board members, parents, members of the public, and staff feel a keen sense of ownership for their schools. Succeeding at leadership in this kind of environment requires a good deal of patience; yet patience is a somewhat negative quantity. Endurance combines patience and activity over the long haul. It is actively 'hanging in there' and 'sticking it out' until a goal is realized. Because of the time-consuming nature of community processes and the evolutionary nature of education, endurance is a necessity for success in this area. Superintendents need to develop hard heads and a good deal of persistence. The larger the undertaking, the greater the quantities of both that will be required.

Another quantity required by superintendents is consistency. In program-related activities, this translates into adherence to a given approach. In human relations, it becomes loyalty and reliability. Consistency is proven over the long haul. No one can be expected to support the same approach every time, regardless of environmental factors, and even the most loyal of colleagues have occasional disagreements. Still, organizational leadership requires constancy and coherence of action. Programs need extended support if they are to achieve results. Subordinates need to know where they stand in relation to their leaders. Research indicates that individuals would rather work for a boss with whom they disagree but about whose actions they are certain, than for a boss with whom they agree but about whose actions they are uncertain. Capriciousness has not been associated with successful leadership. Most superintendents require few reminders of the necessity of consistency. However, even the most experienced professional needs to review his/her positions from time to time.

Still another of those elusive quantities frequently associated with effective leadership is courage. In contemporary local school districts, when issues are decided in the refined surroundings of meeting rooms, rather than on battlefields, the need for raw courage from leaders is sometimes underrated. However, these settings, in which individuals go to great lengths not to offend each other publicly, where the rights of all are generally protected by liberal pension plans as well as the Constitution, create all the more reason for courage. For entirely benign reasons, American education sometimes becomes so immersed in detail and comfort that it lacks direction. Leaders with courage are required to make controversial stands on behalf of educational values and to give positive direction to their school communities.

Another quality essential to success in school leadership is the ability to reflect and analyze. This applies to situations as well as to individuals. The effective superintendent must be able to evaluate conditions from several perspectives and develop creative approaches, rather than jump at the first idea that occurs. The successful leader must also be capable of looking at him or herself objectively, both personality and work performance, and to use constructive criticism.

Related to the ability to analyze situations is the capacity for pragmatism. Every leader must dream, yet each must also work toward attainable goals. The ability to be practical is the product of an effective sense of time and conditions. No idea travels too far before its time, and leaders out of touch with time and reality meet with little success.

No list of leadership quantities would be complete without some mention of initiative. In many respects, initiative is what leadership is all about. Effective superintendents are action oriented. They don't always wait for someone else to start the ball rolling. They're not afraid to stick their noses out. No superintendent should refrain from taking initiative. It's part of the job.

Perhaps most significant of the elusive, intangible quantities necessary for successful school leadership is vision. The most effective leaders may have to survive on a day-to-day basis, but their vision extends far into the future. They keep sight of the results they want, in the long term as well as the short term. Such leaders may not have written documentation of their plans for their organizations, but they have a sense of where the pieces fit now and where they should fit in the future. This type of vision is important to leadership because it affects entire districts; it drives them toward educational goals. The successful superintendent will probably not lay out the details of his/her vision to members of the public, or to members of the board of education, or even to staff confidants. However, the chief executive's vision of the future becomes a compelling instrument of school leadership. Through the superintendent's activity in the areas which have already been discussed, this vision radiates into the plans, the work attitudes, and the results of the school system. It challenges and creates opportunities at the same time. It encourages each member of the school community to become all that he or she is capable of being. There is no road map for the development of vision in superintendency. One of the best approaches may be to develop a healthy sense of balance between the conceptual and operational aspects of the position. By keeping one eye fixed on the horizon, every school leader can minimize the risk of being driven into the ground.

The preceding discussion has focused on aspects of school leaderships frequently omitted from traditional definitions of the ingredients of school superintendency. These quantities, like the basic ingredients, are all related to the essence of school leadership. Both the ingredients and the quantities are essential aspects of leadership, yet the quantities can turn survival into success. Most of these quantities develop from extensive experience in the business of school leadership. Like fine wines, they reach perfection over a space of several years.

## The Essence of School Leadership

The preceding discussions have identified numerous aspects of school leadership. These have included technical capabilities which can be developed in the classroom, human relations skills which arise from classroom instruction and on-the-job experience, and more general quantities which take form over longer periods of time. From this discussion of the ingredients and the essentials of superintendency, the question re-emerges, what is the essence of school leadership? A second question also appears, if these aspects can be developed in the classroom and on-the-job, how and where does this essence develop?

The answer to the first question is the product of the previous discussion. The essence of school leadership is that which separates American school superintendency, at its best, from all other professions. Each of the aspects of the position previously reviewed is important in its own right, however, none of them meets this criterion. Technical capabilities such as curriculum development, financial management, and legal/governmental ability are to be found in other professions. Indeed, each of these areas is the focus of another profession. Human relations skills involving boards of directors, staff, community members, and governmental relations also appear in other fields. Many are required by the chief executive officers of corporations. The quantities of successful leadership are also common to other areas, such as executive positions in business and in government. The essence of school leadership is none of these individual aspects. It is the combination of all of them, when practiced by experienced, successful school leaders. This combination of the technical, the human relations, and the ethereal, exercised by consummate professionals is the purest essence of the field. This type of leadership is found in no other field. When it combines all of these aspects previously described and is applied by an experienced, successful superintendent this leadership is truly unique. It focuses the talents of administrative staff, teachers, parents, and entire communities on the education of every local young person who wants an education. It prods and encourages over long periods of time until success is achieved. When success is achieved, it recognizes that this success was produced by the community and not the individual. This is the essence of school leadership.

The answer to the second question, concerning the development of the essence of school leadership, is an outgrowth of the answer to the first. The essence of school leadership is developed through the addition of the experience of successful superintendents to the classroom training and on-the-job skills of district executives. Each one of these executives has benefited from graduate coursework and related instruction. Each has developed skills through on-the-job activity. However, the experience of practicing, successful school superintendents is not automatically available to every current practitioner. Coursework is mandated and experience is unavoidable, but advice from successful leaders can be hard to find. Administrators can attend seminars to pick up tidbits in various areas. They can read periodicals for general pieces of wisdom. However, the voice of experience in particular areas of concern is not always available. Everyone has colleagues, but no one likes to be burdensome with questions. Experts in specific areas cannot always be readily contacted.

Because of its importance, the development of access to information from experienced, successful practitioners should become a priority for every school superintendent. References on this subject are in short supply. They are not exactly being churned out by the universities, but they should become a major interest for each association of superintendents. Personal contact with experienced superintendents should also be cultivated through membership in professional associations and through individual efforts. In many respects, these contacts may be as important as those with governmental staff or legislators. The importance of making use of the experience of the successful practice of superintendency, of the essence of school leadership, cannot be overstressed. This process holds the key to the advancement and improvement of the profession and of those who comprise it.

# DO'S AND DON'TS FOR THE SUPERINTENDENT

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## Introduction

School administration, being more an art than a science, bears no hard and fast rules which guarantee success. The superintendent's personality and methods in dealing with people and policies are as much a part of successful school leadership as any set of guidelines.

Some superintendents subscribe to the theory that they should be highly visible in their communities; participating in every social, cultural, and political activity and entertaining often. Others make it clear that they are available in assisting community groups but are more circumspect in the extent to which they involve themselves and their families with the community and its various activities. Of course, community expectations influence the administrator's behavior in these areas, suggesting that potential school superintendents would be wise to weigh their personalities against such expectations carefully before accepting a position to lead a school district.

Certain guidelines suggest themselves as being useful within most school districts, regardless of the administrative paradigms followed or the community involvement expected of the superintendent.

What follows is a series of administrative guidelines—"Do's and Don'ts" if you will—which the authors have found useful. These are by no means a panacea to the varied and myriad problems experienced by school administrators, for it is the superintendent's personal style which puts his or her mark upon the application of these suggestions.

## Relationships with the School Board

It may truly be said that mutual respect is always present in school districts where the superintendent and school board work in harmony.

Certainly among the top priorities of a superintendent seeking respect of the school board is preparation. This involves careful planning for working with board members in a variety of situations, as well as definitive preparation for meetings within which the school board and administration come together.

In an unpublished 1980 document, Fritz Hess, Superintendent of Schools for the East Syracuse-Minoa Central School District, cited the following guidelines for successful school board-administration interaction.

1. Provide board members with the information they need to make decisions.

2. Make sure they have time to digest lengthy reports.

3. Send information to all board members. Sending it to part of a board is the easiest way to create dissension and create problems.

4. Don't overkill with information.

5. Don't make a habit of last minute agenda items.

6. Don't pout if the board wants to postpone a decision.

7. Don't criticize board members publicly or privately.

8. Have faith in and respect for board members as community leaders.

Wise administrators should consider the following preparation and organization techniques as a method for uniting diversified opinions which arise at all levels where community leaders come together.

1. Keep administrative and policy considerations separate from one another. The superintendent should carefully determine areas which require his planning, development and recommendations, and keep them distinct from policy decisions which are better left to the school board. Make certain the board has access to complete information necessary to make such decisions.

2. Don't engage in private discussions about agenda items with board members in advance of meetings. This will imply that decisions have been made prior to board meetings. When such private conversations are unavoidable, as often they are, refrain from agreeing on results of upcoming agenda items and be sure the entire school board receives objective information concerning the content of those conversations.

3. Avoid coming to agreement with individual board members as to what the solution of a problem is likely to be. Remember, a board member's authority is present only when the school board is in session. Premature discussion regarding potential results of board business could give the impression that individual board members are legislators seeking to make deals involving their pet projects. In addition, what you say in private conversation may backfire if a board member quotes your comments in open session.

4. Try to understand and adjust constantly to the group dynamics which become apparent among board members.

5. Use extreme caution when developing a system to evaluate your efforts. While NYS Commissioner's Regulations require school districts to implement systems for evaluating their superintendent, the ruling is not specific regarding their form and application. As a result, the school board and superintendent have wide latitude in producing an evaluation system. They should ensure that its form is amenable to circumstances which exist in the school district and make allowances to accommodate the superintendent's personality and administrative style.

6. Do live up to the letter and spirit of your terms of employment with the school district.

## Educational Leadership

Educational Leadership is the superintendent's frontier outpost. As the major function within the school administrator's job description, it is the practice of his or her entire experience and training for the job of directing a school district.

1. Keep abreast of federal, state and local laws governing education and its related areas: transportation, teaching the handicapped, food service, office management, and maintenance of buildings and grounds.

2. Develop a philosophy of education, make it widely known and do the utmost in living up to your own expectations.

3. The major criterion in the decision making process must always be, "What is best for our students?"

4. Plan and develop the groundwork carefully before coming to a decision. Listen to the advice of staff and, where appropriate, seek consent of the school board. Careful preparation will help avoid circumstances under which you must reverse a decision.

5. Know what you are doing, and be prepared to explain and demonstrate why you are doing it.

6. Let subordinates experience their successes. You need not take credit for everything.

7. Continue to grow professionally. Read the major journals within and outside of your areas of expertise. Join and be active in professional organizations, and attend their conferences and conventions.

## Staff Relationships

Respect is again a key work in this area of administrative responsibility. Staff manuals and handbooks which clearly state expectations of instructional and service employees are essential to clear lines of staff-administration communications. Their content should be flexible and open to the various ambiguities which arise in a changing society, but should also be specific to the extent that their applications may be fair and equitable to all employees.

1. Do prepare and distribute to all employees well-written, unambiguous information, policy pamphlets, and manuals.

2. Listen to your staff. They have a great deal of information to offer which will make you a more efficient and effective administrator. If you are not willing or prepared to listen to suggestions, don't ask for them. Staff members who feel their suggestions are ignored will be reluctant to offer future information.

3. Delegate authority and make those delegated responsible for carrying out their charges. Give staff members the necessary leeway to do the jobs that are assigned them.

4. Make yourself available to the staff. You can learn much from their suggestions and criticisms.

5. Thoroughly understand the collective bargaining process, clearly define the roles of all involved, and never violate the conditions of those various roles.

6. Be sympathetic. Try to understand the ways in which the staff perceives you and your office.

## Buildings and Grounds

The condition of a school district's buildings and grounds is a window through which the public perceives its schools. Buildings and grounds represent the community's largest investment in their education system.

1. Practice good housekeeping. Be sure preventive and restorative maintenance schedules are established and followed.

2. Be a strong advocate of safety for students, employees and visitors to the schools. Well kept buildings are a clear signal that safety is a primary consideration of the schools. Improper storage practices, especially regarding flammable materials, trigger public worries about the safety of their children.

3. Healthy looking schools make positive statements about educational leadership.

## Community Relations

Public images of schools are reflected in subtle ways. College acceptance, discipline, honors in academics, cultural and athletic areas all are important to those perceptions.

1. Although recent years have witnessed outbursts against schools, real estate professionals constantly indicate that good schools are one of the surest ways to attract new residents and upgrade property values.

2. Let the community know the "good news" about their schools. What is being taught? Who is excelling in which area? What are the students and teachers doing in academic, extra-curricular and professional areas? What events are happening? What are the schools doing for non-parent residents?

3. Don't avoid the "bad news." Put the best face on these events; but remember the public recognizes duplicity, however well-intentioned.

4. Appoint or employ someone to handle public and community relations, and give that employee time to do the job.

5. Respond to letters, telephone calls, and second-person inquiries about the schools. Do it personally or assign a person informed on the matter to establish contact with correspondence. Then check to learn the results.

6. Be available to community groups as a speaker, panelist or audience participant. Be careful in accepting casual invitations, for those will become more frequent if tolerated. Your style may be well adapted to such methods, but many prefer more formal and informative invitations to participate in various events as a representative of the schools.

## Finances and Financial Information

There are no acceptable excuses for poorly managed school funds. Once adopted by the school board, the budget is controlled by the superintendent, who must become fully informed of the rules and regulations governing management of school monies.

1. Do involve the school board with budget preparation from its earliest development to final adoption. Involvement by the school board is more likely to make it "their budget"; thereby avoiding last minute conflict.

2. Be sure you have the mechanics of budget preparation fully planned and scheduled, and ascertain that the school board is fully informed of that process. "Who does what" among school board members must be clearly defined from the very beginning.

3. Define and prepare for the involvement of citizens' advisory groups in the budget preparation process, taking care to avoid raising false expectations among members of those groups. They will be disappointed and antagonized when those expectations are not realized.

4. Voters must have an opportunity to become completely informed about the budget. Even though the vast majority of voters will not read line items in the total budget, give them the opportunity to do so by publishing the budget in advance of the referendum.

5. Inflexible budgets are the sources of many problems. Do build enough flexibility into the budget to allow for unexpected contingencies, then live by the restrictions inherent in the approved financial plan.

6. Keep informed about all local, state and federal legislation which influences school funding. Where appropriate, recommend that the school board take specific actions regarding current and proposed legislation.

## Traditions and Loyalties

Every community basks in some form of tradition, whether it be a historical heritage, custom, or simply a looked-forward-to social activity. Schools can gain great advantage by taking an enthusiastic role in the parades, displays, contests and other activities which celebrate these events.

Community loyalty to such events usually runs high, and the wise superintendent takes a personal interest in encouraging student, staff and school organization support. School bands appearing in patriotic parades, for example, are tremendous ambassadors of good will.

As with any other area of school administration, pitfalls await the too-eager or uninformed school administrator who must deal with community traditions.

1. Don't interfere in or take sides where changes in society are creating conflicts with tradition. Let the community decide for itself. Since most are social rather than educational issues, superintendents should stay aloof from discussions and controversies regarding their relationship to the schools.

2. Encourage loyalties. Alumni are the best friends school districts have. Bring them into the schools, support their reunions and activities, and involve them in school affairs.

3. Don't allow tradition to get out of control. Class "Prank Days" are not a license to engage in unpunished vandalism and rowdy behavior. The community will respect your actions in disciplining and controlling these activities.

4. Nothing is so wearisome as an outmoded and outdated tradition. Where possible, allow these to expire as quietly as possible.

## Health and Personal

It is tempting to say, "A school superintendent is not expected to have personal problems—so don't." But society is changing, and so are the personal problems of professionals in every field.

Nevertheless, some things never change.

1. Look to your finances. Bankruptcy in personal finances is an indicator of carelessness in handling funds—public as well as private. Avoid deep, personal debt, and don't overdraw at the bank.

2. Don't mix personal accounts with school funds, and keep a close eye on your expense account.

3. Don't consider school property or personnel as being available for your private uses.

4. Superintendents seldom survive driving while intoxicated or impaired convictions. The same holds true for difficulties involving the use of drugs and other controlled substances.

5. If there are marriage or other family problems, be discreet. Chances are the community knows and is gossiping about your problems. Handle such situations with dignity, being careful to separate your personal and school administration lives.

6. Entertain your way. If you enjoy entertaining for political or job-related purposes, go ahead. If not, there is no obligation to have board members or influential community leaders into your home for pseudo-social events. But be consistent and avoid favoritism for any special interest.
7. Have regular physical examinations. Look to your appearance. Neat, clean clothing and personal appearance signal your mental and physical health and are favorable advertisements for your administrative efforts.

Lists and discussions of tips and ideas for becoming a successful school superintendent can be endless, and any such effort expresses the personal styles of its authors. This has certainly been the case here. Perhaps, then, it is best to conclude this particular discussion with the code of conduct adopted by the New York State Council of School Superintendents and the New York State School Boards Association in 1983. While its several goals and obligations are stated in a general fashion, every superintendent should readily see its application to his or her specific style of school leadership.

# Joint Code of Conduct for School Boards and Superintendents

**The success of every school system depends on an effective working relationship between the school board and the superintendent. This code emphasizes the most important goals and obligations of that relationship.**

**ASSURE** the opportunity for high quality education for every student and make the well-being of students the fundamental principle in all decisions and actions.

**OBEY** all national, state, and local laws and regulations pertaining to education and public agencies.

**REPRESENT** the entire community without fear or favor, while not using these positions for personal gain and accepting all responsibilities as a means of unselfish service.

**UPHOLD** the principles of due process and individual dignity, and protect the civil and human rights of all.

**ADHERE** to the principle that the board shall confine its role to policymaking, planning, and appraisal while the superintendent shall implement the board's policies.

**ACT** as part of an educational team with mutual respect and regard for each other's respective responsibilities and duties, recognizing that the strength of a school board is in acting as a board, not as individuals; and that the strength of the superintendent is in being the educational leader of the school district.

**MAINTAIN** high standards and the effectiveness of education through research and continuing professional development.

**PRESERVE** the obligation of having all issues considered fairly and without bias.

**INSTILL** respect for community, state, and nation.

**HONOR** the spirit and letter of all contracts until fulfillment or modification by mutual agreement.

**This Joint Code of Conduct was developed cooperatively by the New York State Council of School Superintendents and the New York State School Boards Association and was adopted by their respective governing bodies in spring 1983.**

# MODELS OF SCHOOL MANAGEMENT

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## Introduction

Over the years, school management has taken on several perspectives. Some claim it to be a science, demanding autocratic, manipulative behaviors (Cubberly, 1916); others an art, requiring charismatic, facilitative leadership (Griffiths, 1979); and more currently, many refer to it as a craft, pressing for skill and imagination (Blumberg, 1984).

No matter what perspective one supports, it should be noted that organizational management is a complex process requiring a structure, procedures, and people. While organizational structures may be defined, procedures operationalized, and people-placed, the question remains: How are they represented in form or model?

Simply, models are characterized by a structure and substance that can be built into a form (Hawes, 1975). The model or form attempts to render a complex phenomenon more understandable (Yarger, 1975). It allows for an ordering of the components or determining of a hierarchy, as well as for definition of the relationship among its components at any point in time or over a period of time. No doubt models offer a conceptual base from which school management is structured, operationalized, and staffed.

While the theoretical underpinning of a particular model of management will affect its hierarchical structure, the main function of a hierarchy is to assign or validate stages, most likely related to authority, along a descending scale or ascending/horizontal order throughout a school organization. Subsequently, a particular stage or order will impact an individual's participation in the organization, relative to the quantity and perceived quality of input as well as degree of influence. Consequently, the design of a hierarchy will enable the school administrator to better understand the management function or each authority level at each stage/order and related stages/orders of a particular management model. No doubt, hierarchies impact approaches to management.

Obviously, the import of organization theory cannot be overlooked when discussing models of management. Further, classical theories, relative to scientific and human relations management, provide a framework for pragmatic management approaches to school structures, operating procedures, and authority of people.

## Classical Organizational Theory: Scientific Management

Between 1900 and 1910, Frederick Taylor emphasized scientific management or the effective use of human beings in organizations. In time and motion studies, Taylor and his associates were concerned with describing and measuring human behaviors in a given task situation. An outgrowth of Taylor's work was the identification of three characteristics of an organization: human capacity, human speed, and work-related cost. Capacity was defined as the upper limit in the production rate that a human could achieve. Speed emphasized how fast individuals of varying degree of effort could perform a particular task. Cost was translated into time and money. Taylor's major prescriptions were: (1) using time and methods study to find "the best way of doing a job"; (2) providing the worker with an incentive to perform the job in the best way and at a reasonable pace; and (3) using specialists (functional foremen) to establish the various conditions surrounding the workers' task methods and task priorities (Simon and March, 1965).

The work of Taylor and his followers is more easily described in terms of techniques rather than propositions. It takes on the point of view of the engineer rather than the natural scientist and prescribes procedures for an efficient organization and conduct of routine use (March and Simon, 1965). Although Taylor emphasized scientific management as a philosophy and attitude, his contributions were focused on operating procedures related to lower levels of management (Massie, 1965).

Fayol (1916), building on Taylor's work, developed a broader framework of management, including five elements of administration:

(1) Planning - forecasting the future and the preparation to meet it by using objectives;

(2) Organizing - defining and setting up the general structure of the organization with reference to the planning elements;

(3) Commanding - executing of plans;

(4) Coordinating - uniting and correlating activities;

(5) Controlling - checking of actual performance.

Fayol viewed planning and organizing as preparation for operations, whereas the functions of commanding and coordinating were to carry out these operations (Massie, 1965). A major characteristic of Fayol's model was his emphasis on planning and its specific impact on the structure of an organization. Fayol's famous fourteen principles, spelled out in telegraph style, beseech ideas of unity of command, included in statements on centralization, scalar chain, authority, order, initiative, and so on. He particularly stressed unity of command as a critical response to Taylor's notion regarding functional foremanship. However, in a more moderate vein, Fayol suggested the use of proportion in the application of his principles. His seminal work has been referred to as a general approach to administration from the top down, with the participation of others increasing as they move up in the hierarchy (Gross, 1964).

In 1937, Gulick expanded on Fayol's five elements of administration, and codified the work of the executive under the acronym POSDCORB. These seven types of administrative activities included: planning, organizing, staffing, directing, coordinating, reporting and budgeting. Gulick replaced Fayol's command and control with directing and budgeting. In addition, Gulick added staffing and reporting, activities that emphasized information and communication, through authority channels (Gulick and Urwick, 1937). Despite Gulick's interest in addressing administration as a whole, his principles dealt with the architectonics of formal organization, a fact reflected in his reiteration of Fayol's maxim: "A man cannot serve two masters." (Gross, 1964).

Still another attempt to provide a framework to management principles was provided by Mooney and Riley (1931, 1939). Their construct was built around four principles: (a) the coordinative, which directed attention to the unity of action toward a common purpose; (2) the scalar, defining a hierarchical flow of authority, including assignment of duties to subunits; (3) the functional, stressing the need for specialized duties; and (4) the staff, answering the need for advice by line executives (Massie, 1965). The efficient and successful application of these principles during the 1940's by the Catholic Church and the military, two highly autocratic institutions, provided further support for the scientific management approach.

In England, Sheldon (1923) supported a broad view of classical management theory by adding a new twist to this movement through the introduction of man, a key factor in management. Sheldon focused on the relationship between management to society and the resulting social responsibilities of each. His statement of principles was less definitive than those of Fayol and Mooney, particularly in relation to ethics, e.g., policies that were conducive to communal well-being and social justice. Sheldon's contribution was unique as an early attempt to recognize human elements in organizations, whereas the work of Fayol and Mooney primarily emphasized organizational principles related to structure and procedures.

While all classical theorists viewed scientific management in a functional framework, they have differed in the numbers and definitions of elements in their models of management. Clearly, scientific management developed from principles of organization that were narrow, technical, and highly structural in their focus to those that were broader and that recognized the human element. Essentially, a representation of a hierarchical model would show a scientific management decision-making system arranged in a series of superordinate-subordinate relations, with the total number of elements increasing as one proceeds from the top of the model to the bottom. In fact, scientific management has been described as cool, dispassionate managerial efficiency that requires planning, decision-making, and control centralized in the hands of management (Herman, 1977). No wonder it has been described as "the" approach for explaining the job of management (Massie, 1965). This approach provides a simple, analytical and straightforward style for helping practitioners understand the management process (Massie, 1965).

## Organizational Theory: Human Relations Models

Disillusioned with the narrow restrictive principles provided by theories of scientific management, Mary Parker Follet developed a view of management which challenged those of Fayol, Mooney, Urwick, and others. Follett proposed four fundamental principles:

(1) Coordination by direct contact of the responsible people concerned;

(2) Coordination in the early stages;

(3) Coordination as the reciprocal relating to all the factors in the situation;

(4) Coordination as a continuing process.

Principles 1 and 2 expanded on hierarchical communication and cross relationships as supported by Fayol. However, principle 3 introduced a different kind of control, one that was a horizontal decision-making process rather than a vertical one. Follett's fourth principle, which treated organizations as a flowing process, contrasted sharply with the formal discrete stages supported by scientific management. Two significant contributions of Follet's thesis conclude that lower level executives should be responsible for helping to formulate policy and that workers should have a role in management. Follet's concentration on the dynamic flow of authority, coupled with the use of "integration" - an "all win" concept used in conflict resolution, emphasized a management model with a human involvement focus.

Further support for a concept of management based on human relations was provided by a series of investigations, notably those of Mayo and Roethlisberger (1933, 1941) in their famous Hawthorne studies. Initially, this work focused on the effects of illumination on productivity, assuming that increases in illumination would result in higher output. An experimental group worked under varying degrees of light, while a control group worked under normal illumination. However, the findings showed that both groups increased their productivity. In another study, these researchers first improved working conditions for women employees and then removed them, expecting a reduction in production. Instead production output reached an all-time high! The researchers could not explain these findings through reference to the organization; therefore, they sought out clues in the humans themselves. These well known clues were: (1) attention lavished on the women; (2) development of social relations; (3) creation of informal groups; and (4) recognition of the individual as a key factor in the organization. A further study, which employed unstructured interviews, showed that "patient listening to employees" affected positive attitudes. Obviously, the most significant contribution of the Hawthorne studies was an empirical basis favoring human relations in formal organizations.

Barnard described a theoretical system for human relations in management in his book The Functions of the Executive (1931). Barnard discussed his theory under the following terms: (1) an organization as a cooperative system; (2) the contribution-satisfaction equilibrium; (3) the multiplicity of satisfactions and incentives; (4) formal and informal organizations; and (5) the functions and pathology of status systems. Barnard's view of an organization as a cooperative system implied a system of interaction of the activities of humans. While the whole was always greater than its parts, each part was related to every other part in some significant way (Gross, 1965). In particular, his treatment of informal organizations suggested their serious and intimate relationships with formal systems. He posited that, while informal systems are necessary to condition and vitalize formal systems, they may operate against the purpose of the formal system with which they affiliate. Barnard's interpretation of authority came close to turning the hierarchy of authority upside down (Peabody and Burke, 1965). Specifically, he suggested that a person can and will accept authority when he understands the communication, believes it to be consistent with organizational and personal needs, and is capable of complying with the communication (Peabody and Burke, 1965). No doubt, this interpretation of authority influenced other scholars, most notably, Simon.

Simon's work significantly extended those of his predecessors by providing more rigor to systematic theory building. Simon's scrupulous attention to the methodology of the social sciences across interdisciplinary areas provided a basis for his thoughts on "a science for man". He believed that a science of man accommodated his dual nature as a social and rational animal, providing a foundation for two principles of mechanism - influence and choice (Gross, 1965). Influence as a mechanism was compared to power in decision making. For Simon, people in organizations were a decision making mechanism (Gross, 1965). But, administrators exercised power or influence over them by the kinds of decisions they made, thereby giving themselves authority. Authority then became the power to make decisions which guide the action of others (Gross, 1965). Among Simon's major contributions to the understanding authority was his development of four of the motivational bases conditioning the acceptance of authority: (1) confidence (technical skills); (2) social approval (identification); (3) sanctions and rewards; and (4) legitimization (Peabody and Burke, 1965).

In dealing with the mechanism of choice, relative to decision making, Simon dissected the process of individual and group decision making into the following phases:

(1) The perception of behavior alternatives;

(2) The anticipation of various consequences resulting from different behavior alternatives;

(3) The evaluation of these consequences in terms of the satisfaction, utility or welfare they may yield;

(4) The selection of one or another behavior alternatives on the basis of the foregoing evaluation.

Simon saw an administrator's work as that of influencing the decision making process.

Initially, the human relations management movement expanded and extended the principles of scientific management while incorporating an awareness of the human in organizations. Next the movement provided an empirical base. Finally, it created theories of human relations in management. Essentially, the human relations movement in management introduced an emphasis on management as a dynamic social process, defining authority as pluralistic and job related. The concentration on command and delegation underscored an upward-horizontal, informal communication where group decision making was encouraged. Individual needs, informal groups, and social relations are important elements in the model. By contrast, representation of a hierarchical type model might show a form of superordinate-subordinate relations, with the total number of elements decreasing as one proceeds from the top of the model to the bottom.

Table 1 (page 7) summarizes the discussion on organization theory by identifying the elements that would be included in scientific and human management models.

## Rationale for a Dynamic Management Approach

While approaches to the practice of management may include some classical functions and principles as hypotheses, today's school administrator leans toward a pragmatic response to management. Pragmatic approaches are not intended to build a framework of knowledge and thought. Rather, they stress that management is a practice, synthesizing the ideas of science, art, and the crafts to increase more effective organization and human outcomes. Although these approaches may include classical concepts, their primary orientation is solving problems relative to the organization and humans. Today, administrators face the impact of technology, declining resources, onrushing demographic and social changes, teacher entrenchment, competency legislation, and shifting priorities. Obviously, the time has come to match pragmatic management approaches to new and pressing problems.

Although dynamic approaches may be applied to current problems, it should be noted that schools possess special characteristics that preclude an easy transfer from one type of administrative management structure to another. These characteristics include the diversity of educational goals, lack of clarity in goals, governance of school districts through lay committees, statutory requirements, and a weak historical experience regarding the adoption of change. These represent only a few of the constraints on administrative model-restructuring. Within this constraining context, school districts

Table 1

## ELEMENTS INCLUDED IN SCIENTIFIC AND HUMAN RELATIONS MANAGEMENT

| Scientific Management | Human Relations Management |
|---|---|
| A. STRUCTURE | A. STRUCTURE |
| . Formal Hierarchy - scalar principle, authority flows in a clear chain of command, downward and in formal group communications | . Social Process - authority is upward, horizontal, upward, and in informal group communications |
| . Unity of Command - members of an organization report to one superior on any single function | . Unity of Command - qualified by individuals and other factors |
| B. PROCEDURES | B. PROCEDURES |
| . Exception Principle - frequently-made decisions reduced to a routine and made at the lowest level | . Exception Principle - basically the same |
| . Decision Making - prerogative of management | . Decision Making - consultation; participation; consent of subordinates |
| . Span of Control - depicts a "tall" organization (Graicunas, 1933) | . Span of Control - depicts a "flat" organization (Graicunas, 1933) |
| . Operations - technical production encouraged | . Operations - social relations encouraged |
| C. PEOPLE | C. PEOPLE |
| . Authority is hierarchical position related | . Authority is job related |
| . Job is a means of subsistence | . Job is a satisfying experience |
| . Formal group interactions | . Informal group interactions |
| . Organizational needs primary to individual needs | . Individual needs emphasized |

have traditionally dealt with short-term goals from a maintenance posture for the organization. The ecological environment of the school community, e.g., more students, different clients, and so on, has certainly changed; but the administrative model has remained the same. To a large extent, existing administrative structures and approaches tend to support the status quo.

The approach proposed in this paper is based on the belief that implicit in any passive, reactive administrative structure is the need for change, particularly if the organization finds itself in a hostile environment and beleaguered by a confusion of goals, a shortage of clients to be served, and difficulties in financing. Such is the state of America's public schools in 1985. Consequently, what is needed is an administrative model that directs the organization and its people through realistic goal setting, resource allocation, and goal attainment.

## A Different Approach: The Core Flexible Structure

Most school administrative structures operate as in-house or self-contained bureaucracies. Essentially, the school administrative structure is fixed by virtue of position titles, e.g., superintendent, assistant superintendent, director. It appears to be assumed that any organizational function or task can be assigned to existing personnel slots or positions in the school administrative hierarchy. Consequently, and not surprisingly, the roles of school administrators are poorly defined; their functions float according to the vicissitudes of position incumbents, governing boards, and community groups. Such a structure presupposes that position incumbents are capable of directing and administering decisions that meet a wide range of organizational and people goals.

How is this possible in 1985? The issues related to school management are too great in number and intensity, and represent a proverbial laundry list. Can traditional organizational structures effectively and efficiently provide the time, knowledge, proven expertise, and varied leadership styles necessary to solve such a range of problems? Probably not!

I would like to suggest a CORE/FLEXIBLE structure (Fig. 1, page 9) that encompasses permanent, basic administrative positions (CORE) as well as temporary, changing staff positions (FLEXIBLE). The CORE/FLEXIBLE structure ensures the provision of ongoing services while at the same time bringing appropriate expertise and resources to address change and new initiatives. The Core staff satisfies statutory requirements as they exist and focuses on services that are fixed and ongoing. Staff positions that make up the CORE must be clear as to their functions in specified areas. In addition to achieving this basic set of functions, the CORE also addresses the new dynamic

Figure 1

School Management Team

| CORE Administrative Positions: | FLEXIBLE Administrative Staffing: |
|---|---|
| permanent staff positions | temporary staff positions |
| satisfies statutory requirements | selected to meet specific new goals |
| focus on provision of fixed and ongoing services | selected on the basis of specific expertise |
| develops agenda and plans for organizational change/growth | |

dimensions of the district. This new dimension is concerned with satisfying goal areas that will contribute to organizational growth. By seeking goals for organizational growth, the CORE team takes on a dynamic posture for itself and the organization.

The FLEXIBLE part of the school management team would be transitory, but expert in nature. In a sense, their services will be "brokered" or contracted for a specified period of time, short-term or long-term depending on the specific need. Such flexible services may be delivered, for example, by existing staff in new roles, newly recruited staff, higher education contracts, and consultantships. The key ingredient of the flexible management team is that it is "expert" in accomplishing the new goals of the organization. It is also "TEMPORARY" and will vary in position and function as new and different organizational goals emerge.

## Integrating the Core/Flexible Structure with a Strategic Management Focus

The strategic management process includes organizational goal formation, environmental analysis, strategy formation, strategy implementation, and strategic control (Schendel and Hafer, 1975). These steps can be effectively integrated with a management team operating according to the CORE/FLEXIBLE model.

> Step I: Organizational Goal Formation. Goals are the starting point of the strategic management process. However, schools are plagued with an unrealistic orientation toward goals and goal setting. Educators tend to romanticize the role of goals and use them as "wish" lists for the ideal society. Historically, goals have been developed with little appreciation for the clients to be served, the communities who will support them, and the organization's ability to implement them. However, goals should become mission statements that answer the question of "What are we about?". The required outcomes of the goal formulation process include preliminary answers to the following questions: (1) What is it that needs to be done?; (2) How much time will be allocated to it?; (3) How is the goal valued (priority)?; and (4) What resources are available to achieve the goal?.
>
> The CORE team members have primary responsibility for developing these goals so that they become policy statements from the district to the staff and for the community. In most instances, there will be little need for the use of "experts" on temporary assignments. However, even in this initial change, outside blood is sometimes helpful. For instance, suppose a district is looking at a future that includes the highly likely factor of dramatically declining enrollments. Many decisions and definite choices have to be made, e.g.; Are we going to make every effort to maintain all current services or programs? If not, which ones will be

eliminated and on what time line? This is values clarification in its most agonizing form. It might be that an expert(s) could be extremely helpful during this stage. For example, it might be very helpful to bring in a consultant to work with the Board, as a neutral outsider, to facilitate thorough consideration of all the specific questions and the development of a credible, practical long-range policy. Another expert who might be helpful at this stage is one who can provide research on what other similar districts have done in addressing a like situation.

Step II: Environmental Analysis. The environmental analysis requires an assessment of internal and external forces that have impact on school operations. This analysis needs to be conducted in a descriptive/evaluative/decision sequence that will probably result in a somewhat modified goal. This analysis must consider demographic, economic and legislative conditions as well as other environmental factors that impact on the school. The answer to questions raised in these areas will provide the basis for the more specific/clarified/reaffirmed goal statement by the CORE team. The probably-modified goal which emerges from the environmental analysis should specify an organizational response that is future-directed and aggressive in managing and addressing problems. Implicit in the future is change. By anticipating changes in the school organization, the administrative structure of the school gives way to managing the enterprise with anticipation and preparedness.

Not many school administrative structures have all the necessary personnel resources (time and expertise) needed to conduct a complete environmental analysis. Therefore, this important step is often short-circuited in district decision making. It should be noted that in business this step is typically taken extremely seriously. The importance of this step keeps a number of independent professional management consulting firms across the country very busy and very profitable. Ideally this step should bring the ramifications of the goal established in Step I into much sharper focus. Additionally, the environmental analysis provides the data necessary for developing the most appropriate strategy (Step III).

Elaborating on the example of dealing proactively with shrinking enrollments, suppose it has been decided that two of the district's six school buildings will be closed within three years. The list of the types of experts that could be helpful in environmental analysis is lengthy. But a sampler would include experts in facilities, personnel management, labor negotiations, public relations, and staff development. Given that this is a major decision, the administration and Board might also decide at this time to re-evaluate the curriculum. At this point curriculum and other instructional specialists, should probably be brought in.

Step III: Strategy Formation. Obviously, goal formation deals with the planning necessary to accomplish the identified goals. This stage will enable the CORE team to determine who, what, and when resources are needed to complement the CORE component of the structure. Strategy formation by the CORE management team demonstrates the control this team has in determining needed new temporary positions and their functions. The CORE team is clearly central and the most important in this step of strategy formation. Whereas in Step I the involvement of the Board and community is very important, and in Step II outside experts can provide very important information, analyses, ideas and insight, Step III demands that the CORE administrative staff demonstrate strong leadership and bring its collective expertise to bear in reaching the required specific decisions. The plan for operationalizing the goal has to be specifically developed. The CORE staff probably cannot get much help from outside experts at this point. It must own the specific plans developed. The staff will certainly be held accountable for these plans.

This phase is critical, since it requires a very clear understanding of the organizational goals and the concomitant needs for implementation. A miscalculation at this point disrupts the entire process of goal achievement (Step IV).

Step IV: Strategy Implementation. Guiding the implementation of the strategy becomes a two-part process. The first part is concerned with the actual staffing of the FLEXIBLE structure. The flexible staff will consist of full-time personnel, casual consultants, experts from institutions of higher education and so on. For example, suppose again that two of six schools are being closed. Suppose again that this will have dramatic implications and repercussions in many domains, particularly in the staffing and organization for delivering instruction in the remaining four schools. Part of the strategy for facilitating the change might involve a comprehensive inservice program for teachers. Probably the details of this inservice program should be brokered, for example, to higher education. Additionally, assume that the school closings and the resultant consolidation have forced a re-evaluation of food service. The entire food service might be contracted to an independent, commercial enterprise. The point is that the CORE structure should always explore the possibility of getting the best and most economical services/resources necessary to implement the strategy. To re-emphasize an introductory point, school district administration should continuously challenge its own mind set about self-contained or in-house administration. This mind set is often a crippling barrier to the administration of schools.

Very importantly, an appropriate conflict resolution procedure should be developed at the outset between the CORE and FLEXIBLE staffs in order to insure an uninterrupted flow of communications. Other kinds of monitoring of the implementation process should be developed by the CORE staff based upon frequent short- and long-term feedback cycles. As the implementation of goals through FLEXIBLE staffing occurs, strategic control over the process will be maintained by the CORE staff. However, caution should be exercised so that CORE control does not place restrictions on the functioning and imagination of the FLEXIBLE staff.

Figure 2 (page 14) summarizes the integration of the CORE/FLEXIBLE structure with a strategic management focus. In each step of the strategic management process, the CORE staff always has responsibility for whatever is done in a district. But much of the actual work or tasks to be done can be effectively delegated to FLEXIBLE staff. The "Xs" in the figure should highlight the importance of the FLEXIBLE staff in Step II and particularly in Step IV. The nature of the tasks in Step IV assigned to FLEXIBLE staff is temporary, but could very well be long-term, covering several years.

To be sure, C/FSMM is a problem-oriented approach to management. However, it should be noted that many of the features of C/FSMM concerned principles relative to scientific and human relations management. (See Table 2, page 15)

## Conclusions

In summary, the methodology of studying management and its hierarchies is being refined. Currently, classical theories are being tested through rigorous qualitative and quantitative research approaches. This process is providing a rich empirical data base and is challenging classical propositions. As a result, new frameworks of thought are emerging to support dynamic approaches to management.

In the long run, if a dynamic organizational model is to remain viable, it must be capable of new growth within itself. Particularly, it should be tested and modified in the organizational environment relative to the nature and size of the school district, its centralization or decentralization, and its cultural and professional characteristics.

## FIGURE 2

### Integrating the CORE/FLEXIBLE Structure
### With a Strategic Management Focus

| Strategic Management Process | CORE Staff | FLEXIBLE Staff |
|---|---|---|
| 1. Organization Goal Formation | XXXX | X |
| 2. Environmental Analysis | XX | XXX |
| 3. Strategy Formation | XXXX | X |
| 4. Strategy Implementation | XX | XXX |

Key:
X = doing some of the work
XX =)
=) sharing the work
XXX =)
XXXX = doing most of the work

TABLE 2

## THE RELATIONSHIP OF SELECTED FEATURES OF THE CORE/FLEXIBLE STRATEGIC MANAGEMENT MODEL (C/FSMM) TO SCIENTIFIC AND HUMAN RELATIONS MANAGEMENT PRINCIPLES

| | C/FSMM Features | Scientific Principles | Human Relations Principles |
|---|---|---|---|
| STEP I - GOAL FORMATION | | | |
| a. | Information sought by CORE team | | X |
| b. | Data proposed by FLEXIBLE staff | X | |
| c. | Data proposed by other organizational members | | X |
| d. | Initial goal choices | X | X |
| e. | Final goal selection | X | |
| STEP II - ENVIRONMENTAL ANALYSIS | | | |
| a. | Selection of FLEXIBLE staff for assistance | X | |
| b. | Data collection sources and procedures used by FLEXIBLE/ CORE staffs, organizational members and significant others | | X |
| c. | Reporting procedures | X | |
| d. | Assessment of data and procedures during process | X | |
| e. | Closure on data collection | X | |
| f. | Review of goals | X | |
| STEP III - STRATEGY FORMATION | | | |
| a. | CORE team reviews and decides on resources available and needed | X | |
| b. | Role of FLEXIBLE staff | X | |
| c. | Role of FLEXIBLE staff with other organizational members | | X |
| d. | Role of CORE staff with other organizational members | X | |
| e. | Determination of strategies | X | |
| STEP IV - STRATEGY IMPLEMENTATION/CONTROL | | | |
| a. | Staffing of FLEXIBLE staff | X | |
| b. | Reporting by FLEXIBLE staff | X | |
| c. | Role of FLEXIBLE staff with other organizational members | | X |
| d. | Closure of strategies to be employed | X | |
| e. | Conflict resolution procedures over choice(s) of implementation/ control | X | |
| f. | Control function from CORE to FLEXIBLE staffs | X | |

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# LEADERSHIP AND MANAGEMENT
# IN A BOCES DISTRICT

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## Introduction

W'at'sa BOCES? In street vernacular, that inquiry is not uncommon when the person with whom you are speaking learns of your affiliation with a Board of Cooperative Educational Services. Not infrequently, the same inquiry is repeated even after an extended discussion explaining w'at'sa BOCES? Quite possibly, this paper may not provide the appropriate response to that question because space does not permit it. But, be assured that it is the avowed purpose of the writer to provide sufficient information for the reader to gain a better understanding about the uniqueness of BOCES as an educational agency serving many, many school children in the State of New York. At the least, I trust that it will provide some specific information useful to someone aspiring to serve as a BOCES administrator or as a BOCES board member.

A caveat, at this point, may be helpful. This paper is not a definitive research document. For those seeking a more detailed research report, there are numerous references available through the State Education Department in Albany, New York which explore, in finite detail, the workings of BOCES and the regulations and law under which it operates. This paper, as the title suggests, is a compilation of facts and insights about BOCES and its management. These data were acquired through much reading and many years of service as a BOCES administrator in upstate New York. I sincerely hope that it will inspire you to either see what a BOCES can do for you or what you can do for a BOCES.

## Background

If we are to explore the leadership roles and the management styles found in BOCES, then we will need to set the scene by briefly examining the historical background of the agency and the development of the district superintendent's position which is responsible for the leadership and the administration of the BOCES operation.

Let us examine the agency. Article 40 of the New York State Education Law is entitled: "Board of Cooperative Educational Services." The law immediately notes that a Board of Cooperative Educational Services is an elected board established to carry out a program of shared educational services. It has no territory even in the sense that a supervisory district has territory under New York State Education Law. (McKinney's, Note 1)

Essentially, a Board of Cooperative Educational Services is just what the title implies, a board composed of from five to fifteen members who oversee the services authorized by law and requested by component school districts. It is a corporate body and is generally referred to as BOCES. References to a BOCES board are, in fact, redundant.

However, given the awkwardness of the title and the activities that it conducts, the individuals establishing policy are referred to as the BOCES board. The BOCES may be formed at a meeting of the boards of education of school districts making up a supervisory district. The district representatives, by a majority vote of the members present and voting, authorize a petition to the Commissioner of Education asking for the establishment of a Board of Cooperative Educational Services. (McKinney's, Note 2)

BOCES' origin can be traced to the Council of Rural Education which was established by the New York State Farm Bureau in 1943. The result of the Council's efforts was the recommendation that the State of New York organize intermediate districts to meet the needs of the State's rural school districts. (Butterworth, 1946) In the 1948 session of the New York State Legislature this recommendation came to fruition with the passage of Chapter 861 of the Laws of New York State. But, as noted by the Legislative Commission on Expenditure Review in a 1976 study, BOCES was created as an interim measure. (Legislative Commission on Expenditure Review, Note 3) It was established as a step prior to development of the intermediate district by Chapter 861. That legislation included only a limited description of BOCES' powers and functions. (McKinney's, Note 4) As the BOCES were formed, many amendments were necessary to provide them with the appropriate legal authority to function and offer the services needed by the school districts being served.

This newly-formed agency, supposedly the precursor of the regional school district, was created at the same time New York State was vigorously pursuing the consolidation of school districts. By 1950, shortly after the passage of the intermediate district law, the number of school districts in the State had been reduced from 9,100 in 1930 to about 4,362. (Soucy, Note 5) During the same period, the number of BOCES grew from zero in 1948 to a high of 82 in 1958. During the period after 1958, the number of BOCES was reduced from the high of 82 to 42 by 1985.

As BOCES developed, amendments to the law authorized new BOCES powers such as the authority to purchase property, to lease buildings, to acquire materials and to conduct additional classes. Other amendments authorized new working relationships between and among school districts and between BOCES areas. In 1972, Section 1950 of the Education Law was amended to make BOCES a permanent educational unit and to declare that the Board of Regents was no longer seeking to establish an intermediate school organization. (McKinney's, Note 6) Throughout that period, BOCES began to respond to an increasing number of requests for services for school districts. Not only were the numbers of students served growing rapidly, but the types of BOCES services were taking on new purposes and objectives.

By 1976, the Board of Regents had listed the following seven major responsibilities for the BOCES: (Nyquist, Regents Position Paper #25, 1976)

(1) To determine and respond to educational needs of the geographic areas served by the Board and to work with school districts to consider and develop cooperative programs based on their findings;

(2) To provide services to each participating school district and to be accountable to both the district and the State for efficient delivery of those services;

(3) To develop clear, operating policies under which the requested and approved services will be provided to those districts which select them through the most prudent use of available resources;

(4) To develop appropriate housing and equipment proposals to encourage necessary voter approval;

(5) To cooperate with one or more other BOCES for the delivery of requested services when it is appropriate in terms of economy, effectiveness or efficiency;

(6) To select, with the approval of the Commissioner of Education, a district superintendent of schools who will serve as the BOCES executive officer;

(7) To adequately support the district superintendent, his staff and others who exercise leadership for cooperative action among other agencies and the BOCES. The most recent addition of responsibilities, which is symbolic of the distance BOCES has come since its original approval by the Legislature, is found in the legislative authorization for BOCES to conduct academic programs where requested by two districts and approved by the Commissioner and to conduct these programs either during the regular school year or in summer session.

At the time of the origination of BOCES services, such a proposal would, in all probability, have been unthinkable, since the original purpose of BOCES was to supplement and not supplant local district services. However, over time, changes in fiscal resources, and the decline of the student population, a full complement of services to be provided to districts were identified. BOCES now operates virtually every program authorized for local school districts if the appropriate needs are identified by local districts and approved by the Commissioner. (Swanson, Kurtz, Nelson, Good, 1978)

Now, we need to look at leadership - at least the position of leadership. The chief executive officer of the BOCES also holds the title of District Superintendent. The District Superintendent's position was established as that of a State official in the early 1900's, shortly after the Unification Action of 1904 had been passed. The original purpose of the district superintendency was to bring some professional leadership to the rural schools and to strengthen the educational programs of the State. The original responsibilities were solely those of a State official. They included all manner of monitoring activities including the supervision of finance for local schools, the promotion of improved programs, the supervision of staff, and the responsibility to carry out other specified state purposes on behalf of the Commissioner of Education. In this fashion, a line of communication between the State Education Department and its Commissioner in Albany was directly connected to the office of the district superintendent. (Soucy, Note 7)

With the advent of the Intermediate School District Law in 1948, the office of district superintendent seemed to be the most appropriate position to aid the development of the Boards of Cooperative Educational Services. Under the law, BOCES were direct responsibilities of the Commissioner, i.e., the development of the Boards of Cooperative Educational Services. Therefore, his field representative, the district superintendent, was directed to initiate development activities. Under the law, the district superintendents of schools were charged with the establishment of a Board of Cooperative Educational Services within each supervisory district. The BOCES would provide the shared educational programs at the request of at least two or more districts which found that those services were necessary. The district superintendent was also charged with the responsibility to serve as the executive officer of the Cooperative Board, i.e., as the superintendent, administering shared service programs of the newly formed Board.

This was the beginning of the dual role of the office of district superintendent. The district superintendent as a state employee must fulfill the legal obligations set forth in New York State Education Law and must also carry out the directives of the Commissioner's office in his/her assigned supervisory district. In addition, the district superintendent is the Cooperative Board's executive officer. These responsibilities are both programmatic and specific. It is anticipated that the district superintendent will provide educational leadership for the Board of Cooperative Educational Services and its employees as well as for the local districts, at least as his/her role relates to shared services for the districts. In this latter capacity the district superintendent has the authority to represent the component school districts in matters relating to their working relationship with the Commissioner and/or the State Education Department. The duality of the position may occasionally suggest a conflict of interest between the role of the state representative in the field and the advocate of the local districts and the BOCES programs with the State Education Department. It is evident that the roles and responsibilities of the district superintendent are often not easily divided. (Swanson, et al., 1978)

This explanation of the development of CO-OP Boards and the role of the district superintendent as the chief executive officer is sufficient background to put into educational perspective some of the unique aspects of the CO-OP Board as an educational institution in New York State or the United States.

## Organizational Features of the Board of Cooperative Educational Services

The method by which Boards of Cooperative Educational Services were established is one of the unique features of these agencies. The law directed the Commissioner of Education to establish Boards of Cooperative Educational Services. No other educational unit in the State was created by a direct act of the Commissioner. This procedure was to be carried out by the district superintendent under the direction of the Commissioner's office. Each Board of Cooperative Educational Services was to include three school districts which petitioned the district superintendent for an organizational meeting. At the meeting of the local boards of education, the district superintendent was directed, based upon a majority vote of those districts choosing to participate, to petition the Commissioner of Education for the formal authorization and designation of a Board of Cooperative Educational Services. Perhaps it is worth noting that the Commissioner had no authority on his own motion to create a BOCES. Only the petitions from the boards of education constituted authorization for the Commissioner's action. In any event, this approach established 51 new service agencies by 1953, only five years after the law was passed. Eighty-two units existed in 1958, but that was the high point in the growth of the number of BOCES. A steady reduction followed until 1970 when the number of supervisory districts reached 55 with an equal number of BOCES. (Leczinsky, Note 8) In the past 15 years the number has been reduced to forty-two.

The organizational functions of BOCES have changed with amendments to the original law. In 1955 there were significant amendments to Section 1958 concerning the legal structure of the BOCES itself. Those amendments were the first signs of a significant change of direction away from the creation of intermediate districts. In one amendment, the responsibility and authority for the appointment of the district superintendent was given to the Board and the Commissioner. At the same time, BOCES powers were expanded to include the authority to rent facilities and to provide services for other public agencies. Perhaps the most striking feature of the 1955 amendments was the increase in the number of participants authorized to join BOCES. All union free school districts and central districts were allowed to become component districts. Incidentally, this was the first application of the term "component districts" to the local district membership in the Boards of Cooperative Educational Services. Previously the reference had been only to local districts. The 1955 law also authorized non-components to contract for shared services with other members, but it did not authorize State aid for the non-components' services. (Leczinsky, Note 9)

More districts were included in 1963 when the law was changed to allow city districts with fewer than 125,000 residents to become component districts of a BOCES. Only the so-called "Big Five" districts are excluded from component membership in local BOCES.

In 1972, BOCES became the permanent regional educational organization within New York State. Between 1948 and 1972, other changes having permanent effects on BOCES structure and operations were enacted. Provisions were passed authorizing BOCES, with the approval of the voters of the component districts, to acquire property to construct facilities for its programs and to receive funding through the New York State Dormitory Authority for construction projects. Continuing legislative enactments modified the operation and the authority of BOCES with regard to election procedures, capital expenditures, use of the state aid formula, and the obligations of administrative expenditures of BOCES. During the same period it was determined that component districts, once having subscribed to membership, were not authorized to withdraw from the BOCES organization. While they were not required to subscribe to any of the shared services if they did not choose to do so, once districts became component members, they were obligated to contribute to the administrative expenses of the BOCES. This requirement for permanent membership continues to be of concern to some local districts.

Another unique feature of the BOCES operation is governance. Boards of Cooperative Educational Services, which may range in membership numbers from five to fifteen, are the only educational representatives in the State chosen by indirect election. Election to a Board of Cooperative Educational Services must come through a nomination by the vote of a local component district or by a write-in vote at a BOCES annual meeting. BOCES board members are elected for terms of five years and are chosen by the representatives of the local component district. Each district may have five representatives votes on matters of business and in elections. Resident voters in the local districts have no role in the selection of the BOCES members. The number of voting delegates (five) sent to a BOCES annual meeting is made without regard for the size of the school district or the number of students served. Members of the board are elected at the regular annual meeting by a majority vote of those district representatives present and voting. The board members serve as policy-makers for the BOCES area in the same fashion as local board of education members serve as policy-makers and directors of operation in local school districts.

The board may appoint staff, terminate staff, establish board policies and regulations, assume responsibility for the maintenance of facilities, equipment and the conduct for the school programs. The one duty which stands apart, because it is a marked departure from local district operations, is the board's direct control only over the BOCES administrative budget, i.e., that portion of the BOCES budget which includes board operations, expenses of the office of the district superintendent, the central business functions and the maintenance and operation of facilities. The cost of facilities through rental of facilities or operations of BOCES-owned buildings is a separate budget category subject only to the action of the CO-OP board. Those items are under the direct authority of the BOCES board and not subject to any other control except approval from the Commissioner's office.

The Cooperative Board has very little direct authority over its services for component districts. All of the services provided by Boards of Cooperative Educational Services may be developed only at the request of two or more districts and may not, in fact, be withheld if two districts are willing to fund the requested programs and they are approved by the Commissioner. All services provided to subscribers, both components and non-components, are carried out under contracts which are established only after a survey of the educational needs of the local districts. The survey is usually carried on in the fall and winter and becomes the basis for participation in BOCES programs for the succeeding year. The district's needs must be filed on a form known as the Cooperative Service Agreement (CO-SER). This document must be approved by the Commissioner in order for the local district to obtain state fiscal aid. The entire BOCES service program budget must be presented to the public for discussion at the BOCES annual meeting, which may be held on any day during the month of April. After the public hearing, the budget, which is not subject to any approval or disapproval by the voting delegates, must be filed with the Commissioner of Education. The submitting BOCES is then authorized to provide those services for the districts.

The area of finance is surely one of the most unusual features of the regional agency because the board has no taxing authority. The entire financial arrangement must be based upon the contracts with local districts. All costs for providing the services are then billed to the component districts which are participating in the programs. The local district budget must include funds to pay the BOCES for the services rendered. On the basis of those payments, the local districts may earn state financial aid. This aid is a supplemental aid over and above the state assistance a local school district receives for other expenditures. Therein lies one of the major advantages of the BOCES operation. If two or more districts are willing to cooperate and if the Commissioner approves the service, and if he agrees that it does not supplant local services and, certifies it is more effective or efficient than local districts can provide, the school district can receive state aid. It is noteworthy that the contractual arrangements are annual in nature and that all BOCES accounts must balance out to zero at the end of each year. Any financial surplus must be returned to the participating districts and the cycle must be repeated in the next year. No other school organization in the State operates on this annual fiscal close-out procedure.

The procedures used to determine financial aid are also marked by approaches different from those of local districts. For example, there are two formulae by which the local school district can be aided for their BOCES expenditures. They may choose whichever formula is to their advantage. They may receive BOCES aid at the same percentage rate earned on the state aid formula applicable in their local district, i.e., the local district which is entitled to 60 percent aid for its local expenditures may also receive 60 percent aid on BOCES approved expenditures. A second formula, known as the millage formula, may be more or less advantageous than the local districts' state aid ratio. Under this formula the law authorizes the apportionment to each component board of an amount computed by deducting from the costs of BOCES services an amount which is in proportion to the cost that 8 mills bears to the local tax rate, except that the cost of those services shall not include individual salary expenditures in excess of $25,000. This choice of aid formulas has been the subject of considerable controversy. It has been repeatedly recommended by the State Education Department that BOCES aid should be based on the same aid formula available to districts for all other educational expenditures.

Another key feature of the BOCES financial aid is the fact that there is no ceiling on BOCES expenditures with the exception of the limitation on salaries as an approved part of the expenditure. The restrictions on local aid in the form of spending ceilings are much more stringent. It is to the advantage of the local districts to buy any services which can be shared through the BOCES cooperative arrangement.

BOCES may receive additional revenues for services provided for other specified governmental agencies. BOCES are also eligible to receive federal or state funding grants and funds for adult services which are, in fact, different from the services provided for children. In all of these financial arrangements the key feature to remember is that the services are provided through annual contracts. Whatever surplus funds are accumulated as a result of the production of BOCES services must be returned to component districts in proportion to their participation in the services. There is no requirement or mandate that districts purchase the services if they are not to the satisfaction of the local district or if the local district chooses to provide its own service. Theoretically, a BOCES could go out of business at the end of any given year since no one is required to buy its services.

A final item which demonstrates the uniqueness of the BOCES organization is the role of the district superintendent. As noted above, it is a dual arrangement. BOCES members working with the Commissioner select the district superintendent to serve as their executive officer in their BOCES region. The procedure for this selection is very involved and governed by a number of State Education Department directives. (Gereau, Note 10) An S.E.D. publication sets forth in great detail how candidates shall apply, what their qualifications shall be, who will screen the candidates, what kind of correspondence they must carry on with the Commissioner, etc., etc.. The State Education Department officials, particularly the Deputy Commissioner and his assistants, are deeply involved in the selection processes. Candidates go through a great variety of screening devices before they become one of the successful finalists.

Eventually, the CO-OP Board is asked to make its selection from six to eight finalists who have been pre-approved by the Commissioner. The district superintendent may be removed at any time during the first three years if his/her services are not satisfactory to the BOCES board members. After the three years, the district superintendent may be removed by the Commissioner with the concurrence of a majority of the members of the CO-OP board.

The duality of this position has been much discussed above and does, in fact, have a significant impact on the working relationships of the district superintendent. Are there conflicts in the two roles? Are the dual responsibilities too great for effective management of both roles? Can the district superintendent be an advocate for the local components and the local BOCES board and be a state employee of the S.E.D. at the same time? No definitive resolution of these issues has ever been achieved.

The information provided in this section is only illustrative of the unique and challenging aspects of the operations of BOCES. Additional reading will provide many more unique aspects and demonstrate that the BOCES is a very complex organization.

## Management Concerns for the BOCES District

Different writers and different BOCES employees may emphasize different concerns about BOCES. These differences may result from variations in size, financial status, geographical location, personal points of view, or all of these factors.

One of the obvious BOCES concerns arises from the nature of the organization of the BOCES itself. It is an active cooperative endeavor without taxing power, few controls over participating members, and few, if any, restrictions on programs. This has led many people to ask if controls should be established to limit BOCES activities. Since BOCES continue to grow, add new programs, and undertake new responsibilities, it would appear that this concern has not generated anything more than discussion. It definitely is a concern for CO-OP board members because there is no agreement on what kinds of operational controls would be effective.

A question of how to provide service equity among districts, given the great range of geographical areas covered and the pupil bases to be served, is also a problem. Obviously, the services to be selected require careful planning, thoughtful implementation, and continual evaluation by the district superintendent. For example, in terms of student populations found in the 42 BOCES, currently in existence, one has a student base of approximately 8,000 and one has a student base of over 250,000. Can both units provide students with equally effective service?

From an economic point of view, it is also evident that there must be concern about the great range of program costs between and among BOCES. While it is true that a BOCES with 8,000 students does provide some economies for its component districts, because they are very small districts, it still cannot achieve the same kind of economies that can be obtained by a BOCES with 100,000 children. Should an effort be made to equalize all BOCES programs? Because this concern has been given much consideration by the State Education Department, an amendment to Article 40, Section 1950, has allowed BOCES to cross contract with each other in order to expand student bases and to take advantage of economies of scale to achieve greater equity.

Geographical area quite clearly can place limitations on the value of services a BOCES may offer to a component district. This is demonstrated in classes for handicapped children, the service most commonly offered by all BOCES for local districts. In regions where it is 35 or more miles from a learning center to the residence of a handicapped student, the amount of class time is substantially diminished by the amount of transportation time required to bring a child to the service. Transportation and services have improved but many parents and BOCES staff members have serious reservations about the effect of time lost from a child's educational program as a result of distances traveled. The same concern must be expressed where itinerant services are utilized for programs for the handicapped and the gifted. The time teachers spend traveling from one learning site to another is lost teaching time. With the improvement of communications through the use of satellites, telephonic networks and other hi-tech developments, efforts are being made to overcome distance and travel problems and their resulting increases in costs. However, the geographical size of a BOCES is still a limitation on service.

A major management concern is the problem of cost control. This is a particularly difficult problem in BOCES operations since many of these educational programs are among the most costly in public education. For example, every BOCES attempts to provide services for handicapped children. Expenditures for classes for the handicapped, because of state laws and innumerable regulations which are strengthened by federal laws, outstrip inflationary costs by a ratio of 3 to 1 in some cases. The cost variations are exacerbated by the great range of differences in economic wealth between the various regions of the state. These differences in financial charges create major problems for the component district and for BOCES administrators who must account for the variation in services and tuitions. Local boards of education and citizens frequently do not understand the reasons for economic variations between seemingly comparable services. For example, in a large BOCES in the Western New York region, the highest annual expenditure for the most severely handicapped child is approximately $15,000-$16,000, whereas the cost for the same type of service in a BOCES of comparable size on Long Island is probably 30-40% higher. The average citizen, the local boards of education and even some members of the State Education Department find it difficult to understand how salaries, costs of facilities, costs of utilities, etc. can vary so greatly within the State. The maintenance of a reasonable balance between costs and benefits is a major concern in both BOCES cited in this example. After all, they are supposed to be providing services which local districts cannot provide for themselves as effectively or as efficiently. BOCES are not infrequently subject to severe criticism by local boards, administrators and teaching staff for the cost of their services.

Another concern for any BOCES management is the maintenance of an effective information system. By its very nature, BOCES is expected to provide a continuing flow of information to a wide variety of publics. There is the ever-present effort required to keep staff members informed about organizational goals, as well as the day-to-day operations. This is no small task. Teaching staff work in widely dispersed locations and are highly selective in their review of information. When one adds to that task the necessity of keeping students, parents, local boards, administrative personnel and BOCES board members informed, the scope of this responsibility is evident. Certainly, sharing of information about the programs with governmental agencies, the S.E.D., senior citizens, committees of concerned parents, committees of advocate groups, industry and commercial constituents, and a host of others enlarges the task. The need for a carefully planned, innovative and attractive public informational system becomes one of the major concerns of every BOCES management. The same concern is found in local districts, but the size, variety of programs and difference in structure makes the task at BOCES an item which demands continuous attention.

Another problem which requires extra planning and attention is the delivery of a large number of programs to a large number of schools. For example, a BOCES may deliver several different services in 75 to 80 different school buildings. In some cases, where a regional service such as computer service is involved, delivery is required for 75 to 80 different school districts. The distribution of large numbers of programs across regional areas is difficult enough. However, when one considers that the types of programs are more diverse and that each may require a different method of distribution, one can easily see why delivery and distribution becomes a special challenge. Programs vary from the development of highly technical computer systems used in a network of 80 school districts with 400 school buildings, to the training of maintenance staff in custodial functions in a two-day workshop.

The personnel operating such programs have special skills and talents. However, another BOCES management concern also arises, i.e., employee supervision. BOCES administration must supervise staff and delivery systems to ensure that these functions are effectively carried out. The supervision problems can be illustrated most clearly when support staff union memberships are examined. A union local may include computer systems analysts, truck drivers for a film distribution program, and classroom teacher aides in the program for the handicapped. Fulfilling supervisory responsibilities in this labor-management element creates another complete set of management concerns.

## Elements of Effective Management in a BOCES

Long years of direct BOCES observation suggest that those aspiring to be a district superintendent or BOCES administrator should prepare themselves carefully in the study of administrative techniques. It will require all of your talents, skills and administrative competence to keep one of these amoeboid organizations moving forward. The approaches utilized in most BOCES are as varied as the number of management techniques studied in your best educational administration curricula. The individual who enters this management arena must surely be flexible and adaptive to be successful in its ever-changing administrative scene.

Leadership and administrative styles range from the direct adversarial techniques used in labor management negotiations to the quasi-judicial activities employed in hearings and the enforcement of regulatory mandates. Because of the very great variety of administrative styles found among component districts' administrators, the district superintendent and the senior staff must understand and use the democratic approach which allows the subscribing members to control and influence the destiny of BOCES programs. At times, you will assume the role of chairman of the committee, asking each and every district to provide input and to give appropriate direction to the cooperative operations. The democratic approach is frequently supplemented by the collegial approach, where the district superintendent serves as an equal within the administrative group that has assumed responsibility for program development, data collection, project evaluation or some other task which requires the advice and consent of local administrators.

Informal discussions among district superintendents confirm that an individual must use all of the leadership styles at your command. You will use everything from the laissez faire to direct advocacy. The management or leadership approach which works most effectively for the individual is probably the one that will be most frequently used. The choice is affected by the personality as well as the philosophical outlook of the district superintendent or BOCES administrator.

A second influence on the selection of an approach to management in a BOCES organization is the great variety of goals and objectives that a district superintendent must face. The range of functions and obligations, as well as the variety of organizational structures, call for the district superintendent and his/her service managers to wear a variety of administrative hats. While the day-to-day administrative tasks will include program supervision, maintenance of organizational direction, maintenance of productivity, and fiscal management, other minor routines may take up a majority of the administrator's time if he/she fails to resist minutae. No district superintendent or BOCES manager should feel comfortable in assuming that one has only to manage the day-to-day operation. The need to exercise leadership is very clearly a necessity for the required educational development, improvement and change. The very nature of the district superintendent's job as an employee of the State Education Department requires that he/she utilize the best leadership techniques to gain local district support for the S.E.D. or Regents Action Plans. The development of programs for the component districts through cooperative efforts will thoroughly test another style of leadership. If any BOCES region is to be successful in meeting the great variety of student needs, demonstrated effective leadership by the BOCES executive officer is required.

A third essential element is the need to be an effective communicator. We have already noted that a major concern of BOCES management is communication with a wide variety of special interest groups, each requiring a different approach. The BOCES leader must have a broad range of skills in communication readily available and a sound knowledge of their use. When one attempts to evaluate the success of BOCES, it is clear that those which have the best image among their publics utilize the best communication skills. The Boards of Cooperative Educational Services which develop and provide effective communications are those that have the better working relationships with component districts. The district superintendent serving such a board quite probably will be a skilled communicator.

Basic negotiation skills and a sound working knowledge of negotiation activities are essential for a BOCES administrator. Negotiation is not limited to the adversarial bouts of contract settlement with the local union. There is much give and take bargaining between and among local districts that have special interests and personal approaches to educational endeavors. Negotiating with local school officials is one of the most active roles a district superintendent will play. He/she had better be prepared for spirited bargaining because, in general, he/she has no other authority or power with which to achieve harmony and cooperation among the constituents.

All of the other administrative roles such as facilitator, expediter, counselor and motivator are as fundamental to the management repertoire of the district superintendent as they are to the successful leader in commercial, industrial or public service enterprise. The ability to recognize when one needs to assume these roles and the flexibility and adaptability to work comfortably in any one of them are major concerns of the Commissioner of Education and the board members when they are hiring district superintendents.

Another skill that must be a part of the BOCES management techniques is the effective use of group dynamics. BOCES as a cooperative enterprise will require an enormous amount of involvement by local boards, parents and professional personnel if they are to have a feeling of ownership in their operation. Without this feeling of local ownership, the success of your BOCES endeavors will be limited. In more than 15 years of work with a Board of Cooperative Educational Services, this writer has found it standard procedure to use ad hoc committees, advisory councils and task forces in the management of a large BOCES. The use of talented persons who are ready, willing and able to assist in program planning, program management and evaluation can provide a credibility for the BOCES operation that cannot be otherwise attained. Members of industry, commercial enterprise, the professions, and governmental operations are usually generous with their time and expertise and make important contributions to a BOCES program. Subcommittees, of an ad hoc nature, utilizing the skills of the BOCES staff, also offer that important feeling of involvement. To gain full value from such groups, they must understand that their role is advisory and that there will be follow-up on their recommendations. This will assure their full participation in the resolution of tough issues. A task force approach is a most useful device in addressing major BOCES issues because such a body involves diverse elements.

A strong Board of Cooperative Educational Services is a requirement for successful cooperative operations. Membership on a Cooperative Board is indeed a working membership. Board members in component districts like to communicate directly with BOCES members. That communication can be enhanced by visits to local board meetings, utilizing local boards as committee members, and seeking local member participation in BOCES' missions, goals, objectives and operations. BOCES board members need to be visible and well known. They must understand that their constituencies are the component boards and that their perspectives as members of a Cooperative Board can provide leadership in the improvement of educational endeavors within the region. One may assume that the broader the involvement of groups from the BOCES community in the BOCES operation, the more effective the BOCES program will be.

A fourth element necessary to building a strong BOCES management plan is the recruitment of capable, talented professional assistance and the use of their expertise. BOCES, at times, appears to be an attractive target for all types of legal actions, hence, the first professional to be retained is the most competent attorney BOCES can find with a specialty in education law. The varied activities of a BOCES operation necessitate that the attorney have assistant counsel who can bring sound legal advice to construction problems, contracts, fiscal issues, civil rights problems, discrimination charges, labor management relations, and a host of other issues which require the services of the most competent legal advisor available. Equally important is the assistance of an accounting firm with a good reputation for timely, effective service. In addition to fiscal services, the accounting firm should be able to provide direction and innovation in developing effective management practices. The same kind of service is needed from highly skilled and competent insurance advisors, architects, engineers, and other specialists who are available on a retainer or fee basis. Of equal importance are the services of a competent, courageous, and public-spirited physician who can assist the administration and the board with the very difficult medical and health decisions that come before any employer dealing with a large and varied staff.

Other BOCES may suggest additional elements necessary for the maintenance of strong management of the BOCES operation. Those cited here are, in my opinion, of particular significance to every BOCES regardless of size or scope of operation.

## Techniques that Work and Techniques that Don't

A review of BOCES management styles will probably demonstrate the need for a variety of techniques and skills to make the operation efficient, dynamic and progressive.

A given technique will work in one region but not be successful in another. What will work for one BOCES may not work for its neighbor. There is no scientific way to plot what will be successful for the individual district superintendent or the individual cooperative services agency. Accordingly, the materials listed in this section are based upon personal observation of what techniques have been effective and what techniques have not been effective in fifteen years of BOCES service.

First, what should the board and the district superintendent avoid? The district superintendent and the board should quickly recognize that they have no legal authority and really no operating basis which allows them to dictate approaches, programs, or policies to the local superintendents and/or local boards of education. Not infrequently, some BOCES staff members feel that their positions as suppliers of specialized educational services give them greater insight and a broader perspective on what is appropriate and what is inappropriate for their group of schools or perhaps individual members of this group. Frankly, nothing can be further from the truth. Belief in the efficacy of local control has wide and ardent support from most boards of education in New York State. Elected board members take a very dim view of intrusions into their management domain by the Board of Regents, the Commissioner of Education, representatives of the State Education Department, or any other group which feels compelled to tell them how to manage their operation. No action can lead more quickly to the demise of cooperative service than to have the Board of Cooperative Educational Services attempt to dictate the program offering for the students of the component districts. The results of such efforts have been disastrous and have strengthened the belief of some that BOCES is an educational octopus interested in taking over the operation of local educational agencies.

A second caveat for the district superintendent is to avoid at all costs reliance on his/her status and authority as a State Education official as justification for his/her actions. Local superintendents bristle at any suggestion that the district superintendent is authorized to give directions or make demands upon the local districts and their administration. Herein lies one of the greatest challenges for the district superintendent. Generally, if the local district is approached on a cooperative, collaborative basis, acceptance of S.E.D. and Regents policies and guidelines can be achieved, but any attempt to rely upon the authority of the state position is just as frequently rejected. A paper delivered by a local superintendent at the fall conference of the New York State Council of School Superintendents in 1981 made that point abundantly clear. (Salmon Note 12)

A third tactic which is surely doomed to failure before it gets underway is the intervention of the district superintendent or any BOCES administrator in the troubles of local school districts. Almost without exception, these are "no-win" endeavors. While it is true that under Education Law the district superintendent has the authority for some intervention, it can and must be used sparingly. The authority for other BOCES employees to interfere in local affairs, has no basis in law, regulation or guidelines. Such attempts can and will be fiercely resisted by local districts and their staff. Most districts are pleased to accept assistance if they ask for help, but unsought intervention has resulted in the loss of effective and healthy working relationships in several BOCES.

A fourth admonition to BOCES staff and board members is to refrain from claiming credit for the success of BOCES programs. BOCES is after all a cooperative service agency providing service for the students of local districts. If the service is successful, the credit will go to the local students, the local employees, or the local board. BOCES employees and board members find this perception very hard to accept. If one has great ego fulfillment needs, BOCES may not be the appropriate place to seek employment.

No doubt there are many other admonitions on practices to avoid, but those listed will suggest the kind of behavior which can poison local district-BOCES relationships. They are the actions with which BOCES personnel must become familiar if they wish to have positive and amicable working relationships with their constituents.

The comments below represent the reverse side of the coin. These are simply the observations of what practices build positive relationships and respect. Again, a brief listing of ideas will set the tenor for collaborative endeavors. Talented people will work out their own successful approaches.

The first lesson for every BOCES employee to learn is to treat your operation and its funding in the same fashion you would handle funds that belong to you personally. Far too many BOCES personnel believe that their determination of funding needs is appropriate and acceptable. BOCES personnel will find themselves more readily accepted if they demonstrate that they have a concern for the local taxpayer and an appreciation for the problems of raising revenues. In fact, BOCES that enjoy good reputations for being conservative in their fiscal supervision are more apt to receive strong support and encouragement for their programs than those that are considered profligate spenders.

It is easy for BOCES personnel to be unknown, anonymous nonentities in serving local districts unless they make a concerted and conspicuous effort to provide helpful service to those districts. A position with a cooperative service agency should not be sought if the person is unwilling to give generously of time, service and assistance. The BOCES operation, always a step removed from people in local districts, requires extra effort to become identifiable and understood in the local district. Only that kind of commitment will win commendation. Otherwise, the local user of the service forgets the provider and the BOCES program becomes the easiest area to cut out of the school program when fiscal support is difficult to obtain.

Another consideration is to remind yourself for whom you are working. Since most of us take great joy in having our own individual accomplishments recognized, it takes a special effort to adjust one's goals so that we can achieve satisfaction in working for others without much recognition.

In spite of the admonitions in the earlier paragraphs which stress the service aspect of BOCES, staff must remember that there clearly is a responsibility factor to be met by BOCES employees. BOCES personnel will find that their willingness to take a position on significant issues is an action which most constituents appreciate. BOCES is usually filling a third party role, so it is not surprising that many outsiders see them as facilitators only or, in some cases, as persons who avoid decisions when decision-making is appropriate. Willingness to assume a risk and to make a decision is generally appreciated by local staff, since it demonstrates BOCES' commitment to the programs they are providing. Unwillingness to take a risk contributes to the image of BOCES staff as faceless paper shufflers who are not committed to participation in their educational program.

A technique that always seems to pay dividends for BOCES is to have the people participating in a program involved in the decision-making. It is important to involve local board members. It is also important to involve local administrators and local staff. These individuals will not and do not feel that they are a valuable part of BOCES or see BOCES as a significant organization if they are never asked for opinions or advice on the operation.

Finally, and perhaps most noteworthy, is the establishment of BOCES goals and objectives that set high standards of performance. It is vital to BOCES prosperity to have their subscribers understand that whatever service the agency is providing will be the best that BOCES employees can produce. Maintaining high performance levels is one sure way to overcome criticisms from local districts. It is far better to be known as a workaholic than the BOCES representative who tries to cut corners on the job to be done.

## Summary

With greater demands for improved educational achievement, for more effective educational programming, and for higher standards of performance, BOCES have a better opportunity to meet these aims than ever before in the history of the regional district. Many opportunities for stretching the use of scarce resources, through the economies of scale, are to be found in the BOCES. Better utilization of rapidly advancing technology and advancement of education through sharing gives cooperative agencies greater chances to expand educational opportunities for many children. By operating in novel and productive ways, BOCES may be of service to many other educational units. It is to be hoped that this brief examination and review of cooperative regional endeavors may encourage more members of the educational community and interested lay personnel to seek an active role in advancing cooperative educational services which hold so bright a future.

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# THE SUPERINTENDENT'S CONTRACT

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## Introduction

The proverbial cobbler's son is the epitome of self-concern and attention to detail when contrasted to the manner in which some school superintendents approach the issue of their employment contracts. Too often, the Superintendent's contract is haphazardly and almost apologetically negotiated, without the benefit of competent legal advice. The result, of course, is an inadequate document which fails to protect the superintendent, on the one hand, and does little to define expectations for the board of education, on the other.

It is the author's opinion that such a foolhardy approach is symptomatic, in most cases, of an unwarranted apprehension regarding attitudes of the board of education. In actuality, most board members understand a superintendent's concern with the employment contract and will respect the superintendent if his or her position is clearly and forcefully articulated during the negotiation of the contract.

This paper discusses the basic ingredients of a superintendent's contract and some negotiation strategies in connection with same.

## Statutory Authority to Contract

Section 1711 of the Education Law provides that any union free school district with a population of at least 4,500 may appoint a superintendent of schools. By virtue of Section 1804 of the Education Law, this authorization extends to any central school district. The superintendent may serve without contract and, if so, may be discharged by a vote of a majority of the board. The statute also authorizes superintendents to enter into an employment contract with the board for a period of not less than three (3) years and not more than five (5) years.

Section 1711 also authorizes the board of education of union free and central school districts with a population of less than 4,500 to appoint a superintendent, upon the recommendation of the district superintendent of schools. The superintendent's services may be discontinued at any time by a majority vote of the board upon sixty (60) days written notice. Superintendents in these school districts may also enter into written contracts of employment for a period of from one (1) year to five (5) years.

Section 2507 of the Education Law establishes that the superintendent of a small city school district serves at the pleasure of the board, except that the superintendent may be appointed for a term of not to exceed five (5) years. In the "Big 5" city school districts superintendents hold their positions by term appointments of six (6) years, subject to removal for cause. In other words, there is no statutory authority for superintendent employment contracts (at least as to the term of the appointment) in city school districts. Downey v. Lackawanna City School District, 51 A.D. 2d 177, 379 N.Y.S. 2d 557 (1976); Matter of Brewster, 15 Ed. Dept. Rep. 526 (1976).

This is not to say, however, that superintendents of city school districts should not have employment agreements which cover matters other than the length of the period of employment. They should . . . and the present state of the law is that such contracts are enforceable. Matter of Karamessinis, 17 Ed. Dept. Rep. 372 (1978).

## Negotiation of Employment Contract

On the issue of job security, a superintendent's employment contract is, quite obviously, a vital document. In fact, there are often unfortunate circumstances where it is the single most important document in a superintendent's possession. Consequently, due care and attention should be given to negotiating its contents. There is a very real temptation at the time of initial employment or contract renewal to treat the matter lightly, because the good will which prevails at such moments tends to obscure the potential for future difficulties. Besides, why "stir the waters" or "ruffle the feathers"? The answer, of course, can be provided by dozens of superintendents who did not appreciate the inadequacy of their employment agreements until the honeymoon ended and divorce proceedings commenced.

It is also highly advisable for chief school officers to retain independent counsel to represent them in the negotiation and preparation of employment contracts, rather than relying upon the services of the board attorney. If a superintendent retains his or her own lawyer, it removes the superintendent somewhat from the give and take of the negotiations and establishes some distance from any aspects of negotiations which may offend a board member. It also helps to ensure that the final document will be adequately drafted to protect the superintendent's future rights. A reasonable fee for competent representation throughout the entire process should range from $350.00 to $500.00 which, in this author's admittedly biased opinion, is an investment well worth the price.

## Items to be Covered by an Employment Contract

Certain basic topics should be addressed in any employment contract. Some of the more fundamental matters for discussion in the superintendent's agreement are:

a) The length of the employment period, including provisions for renewal;

b) The powers and duties of the superintendent;

c) The base salary, including provisions for fixed annual increments or a method to determine annual salary during the term of the contract;

d) Confirmation of the superintendent's right to perform outside work and engage in other professional activities;

e) A specification of the grounds for removal or early termination;

f) The procedures to be followed in the event of attempted early termination or discharge;

g) A statement as to how the parties will treat the superintendent's illness or disability;

h) Evaluation provisions, which are most significant in light of the New Part 100 of the Commissioner's Regulations; and

i) Other employment benefits, including vacations and sick leaves, tax deferred annuities, an automobile or transportation allowance, the reimbursement for job related expenses, the payment of moving expenses, life insurance, health insurance, and other fringe benefits.

## Prefatory Provisions

Every contract, of course, contains introductory provisions. These clauses should identify the parties, provide a statement of mutual objectives, set forth the offer and acceptance of employment, and recite the date on which the board passed the resolution authorizing execution of the contract.

In city school districts, the prefatory information should identify the board meeting at which the term of appointment was established and should clarify that the contract relates to terms and conditions of employment other than the length of the term of such appointment.

## Term of the Contract

The relevant statutes provide the outside limits for the term of the superintendent's employment. For instance, a superintendent in a central school district with a population of more than 4,500 may contract for a period of not less than three (3) nor more than five (5) years. Clearly, the initial term of appointment must be at least three (3) years in length. Anything less is void, so that the superintendent then serves only at the will of the board. Matter of Greenstein, 20 Ed. Dept. Rep. 662 (1981).

This is not to say that the initial term of the contract may not be automatically extended by a carefully drafted clause. Matter of Looby, Ed. Dept. Rep. 237 (1977). For example, a contract with an initial term of three (3) years may contain a provision for annual extensions so that, in effect, there is either a continuing three (3) year term or, in the alternative, the superintendent is given a two (2) year notice that the board does not intend to renew the contract.

The Commissioner of Education recently upheld the validity of a superintendent's contract which provided that it would be extended and continued in force at the end of the original period (a 4-year term) in the event that either party failed to give a 12-month written notice to the other. Matter of Northrup, Dec. No. 11387 (January 22, 1985). The board of education in that case argued that this renewal provision should not be enforced because (1) it did not provide for a salary; and (2) it would have created an eight year term of employment, which exceeded the five year limit established by Education Law Sec. 1711(3). With respect to the salary, the Commissioner held that the parties intended that the salary would be negotiated, and if no agreement was reached, it would remain the same as under the original contract. With respect to the term of the contract, the Commissioner found as follows:

> "I conclude that on these facts, there is not a single contract with an eight year duration, but rather that there are two distinct contracts for four years each."

If you can negotiate a similar provision in your contract, don't hesitate.

It should also be noted that consideration of renewing the terms of the contract will most likely be a natural incident to the annual evaluation which is now mandated by New Part 100. However, if your board of education is not willing annually to consider extending your contract, there should at least be a clause requiring that the question of extending the original employment term will be considered at some fixed point during the life of the contract. This will avoid deferring the question until the last phases of the contract at a time when a superintendent has less leverage.

## Powers and Duties of the Superintendent

A superintendent is bound by statute to perform those duties and responsibilities that are designated by the Education Law, the rules and regulations of the Commissioner, and those reasonably assigned by a board of education. Nevertheless, the contract should contain a clause which confirms the powers and duties of a superintendent. In fact, it is highly advisable for the contract to refer to an agreed upon job description which is annexed to the contract. Such a clause will necessarily interrelate with the contract's provision on evaluation of the superintendent.

The Commissioner's decision in Matter of Hagen, 17 Ed. Dept. Rep. 400 (1978), acknowledges that a board of education has the right to adopt by-laws curtailing a superintendent's authority. Thus, the only way to prevent a board from neutering the position is by the employment contract. Consequently, it is advisable to include a clause which guarantees that any such by-laws will not reduce or impair the superintendent's power and authority. It is also advisable to provide that the duties assigned by the board of education must, at all times, be consistent with the position of the superintendent of schools.

Superintendents should take note of a fairly recent decision of the United States District Court for the Eastern District of New York in Aquilina v. Board of Education, et al (1984), which held that a public employee had a property right, not only to employment and salary, but also to the status and responsibilities of his position. A consequence of such a right, of course, is that the duties and responsibilities of the position could not be taken away without due process. This is true even though full salary continues after such a change in duties. The property right in Aquilina arose from the applicable tenure statute; in the case of a superintendent, however, it can also arise from a properly drafted contract of employment.

### Salary and Method of Payment

It is possible for the contract to spell out the salary to be received each year during the term of a multi-year contract, although it may be preferable to leave this open with a "floor" provision. This is so if for no other reason than the fact that it is difficult to predict what the negotiated salaries will be for the superintendent's subordinates during the life of the contract.

One clause which should absolutely be in every contract is that the salary paid during any year of employment will be no less than the salary received during the prior year. Another possible clause is that the superintendent will receive an annual salary which is at least equal to a certain multiple of other administrative salaries in the district during each year of the contract.

### Outside Work

It is customary to provide in the contract that outside work is subject to agreement with the board. A preferable approach is for the contract to permit the superintendent to engage in outside professionally-oriented work, provided that the same does not interfere with the performance of his duties as superintendent.

### Job Security

Simply by virtue of the fact that there is a contract for a term, a superintendent has a constitutionally protected property interest in his or her position that the superintendent may not be deprived of without due process under the Fourteenth Amendment. This entitles a superintendent to:

a) a written specification of any charges;

b) the right to a hearing on the charges;

c) the right to subpoena witnesses and to confront adverse witnesses;

d) the right to be represented by an attorney;

e) the right to a transcript of the hearing;

f) the right to written findings of fact; and

g) the right of appeal.

Unless the contract provides otherwise, the hearing is conducted before the board of education. It is permissible, at the moment, for a board of education to perform the several functions of bringing charges against a superintendent; testifying against the superintendent; and deciding the merits of the charges. This is one reason why it is advisable to negotiate for a clause equivalent to the protections that a tenured teacher has under the Education Law. Section 3020-a of the Education Law provides that the determination will be made by a panel headed by a professional arbitrator. A superintendent should attempt to obtain a contract provision which gives the decision making responsibility to a third party neutral. Short of that, strive for the Hearing Officer set-up which will involve a recommendation to the board. This at least involves a third party in the process.

The contract should also specify the grounds for removal of the superintendent. Section 3020 of the Education Law provides that:

> "...no teacher shall be removed during a term of employment unless for neglect of duty, incapacity to teach, immoral conduct, or other reason which, when appealed to the commissioner of education, shall be held by him sufficient cause for such dismissal."

It has been held that the protection of this statute extends to superintendents. Matter of Gainey, 14 Ed. Dept. Rep. 174 (1974); Matter of Arnold, Comm. Dec. 8609 (1973); Matter of Sakowski, Comm. Dec. 8430 (1972).

With respect to suspension, the Commissioner has determined that a board of education has the power to suspend a superintendent with pay (only after charges are filed), provided that a due process hearing is conducted with "reasonable dispatch" after such suspension. Moreover, the Courts have held that a superintendent may be suspended without pay. Matter of Myers v. Board of Education, 89 Misc. 2d 451, 391 N.Y.S.2d 323 (1977). Thus, the superintendent's contract should contain provisions which (1) limit the board of education's right to suspend him, and (2) provide, further, that he will be entitled to pay during the period of such suspension.

The Commissioner has held that even though a superintendent successfully defends a proceeding for his removal, he is not entitled to reimbursement for his costs and attorneys' fees, since there is no statutory basis for the same. This payment could, however, be authorized by a contractual provision. Since the expenses involved in defending such a proceeding can be substantial, it is wise to bargain for the inclusion of such a clause in the contract.

### Temporary Disability

There should be a provision in the contract which suspends the superintendent's obligation to perform duties during extended periods of illness or disability. Otherwise, a disabled superintendent will be in breach of his or her contract. Such a clause also protects the superintendent with respect to the payment of salary during such period. The usual clause provides that at the expiration of the permissible period of illness or disability, the contract may be terminated at the option of the board.

### Evaluation Provisions

It has long been urged that superintendents take a page from the teachers' union book and include a provision on evaluation by the board of education in their employment contracts. Effective August 1, 1986, New Part 100 of the Commissioner's Regulations mandates formal procedures for the review of the performance of all school district personnel, including the superintendent of schools. This requirement should be hailed by all superintendents.

Obviously, open evaluation is necessary for professional growth, mutual understanding and protection against arbitrary actions. This paper will not dwell on the benefits of such a provision. With respect to specific procedures, volumes have been written on various techniques and methods of evaluation and it is anticipated that New Part 100 will provide the impetus for several more papers on the subject. It is not likely that formal evaluation procedures can be agreed upon prior to the execution of a superintendent's initial contract of employment. In fact, it is probably unwise to do so. Instead, the initial employment contract should simply require evaluations of the superintendent at stated intervals according to procedures and methods to be agreed upon between the superintendent and the board. The contract can also provide that once these evaluation procedures are agreed upon, they will be initialed by the parties and annexed to the contract as an exhibit.

At a minimum, the superintendent's evaluation should be conducted under a formal procedure which utilizes measurable criteria that have been agreed upon by the superintendent and the board well in advance of the evaluation. The evaluations should be conducted at regular intervals which provide sufficient time for the process to be completed without haste or last minute pressures. Also, the evaluation process should involve the full board and should result in a written document that becomes a permanent part of the personnel records. The board's preliminary evaluation should be discussed with the superintendent in an executive session before being finalized. Finally, the written evaluation should specify goals for the next evaluation period and should set forth the corrective action, if any, which has been suggested by the board of education for any areas of weakness in the superintendent's performance.

## Fringe Benefits

Other employment benefits are obviously a subject of negotiation between the parties. It is not unusual to provide in the contract that the superintendent will, at a minimum, receive all benefits afforded to other staff members. Fringe benefits which are traditionally incorporated into employment contracts are vacation and sick leave benefits, life insurance, health and major medical insurance, the provision of an automobile or a transportation allowance, and the payment of job related expenses. It is also possible to obtain a "parachute" provision which, although certainly not "golden", will nevertheless cushion the fall. This can be in the form of payment of accumulated sick leave and/or vacation leave at the time of retirement or termination of the contract. Since "retirement" is not clearly defined in the context of the expiration of a superintendent's contract, the clause should speak in terms of "contract expiration".

## Indemnification and Insurance

Section 3028 of the Education Law provides that a board of education must defend and indemnify a superintendent in any civil or criminal action arising out of a disciplinary action taken against a pupil. It is probable that superintendents will be named as defendants in civil rights cases with more frequency in the future. Consequently, the contract should contain an indemnification clause for any judgment, since the present statutory indemnifications are not sufficient to totally protect a superintendent from personal exposure. In this connection, the State Comptroller has specifically held that it is permissible for a school district to purchase insurance protecting its employees against damages in civil rights actions. The State Comptroller has also held that it is permissible for a school district to purchase insurance to protect against the loss of personal property during the course of employment.

## Tax Deferral

Section 3109 of the Education Law provides that a board may enter into a contract to "reduce an employees' annual salary" for the purpose of purchasing an annuity. This permits some income tax deferment and may be considered for inclusion in the contract.

On the question of tax deferment, there does not appear to be any reason why a portion of a superintendent's annual salary cannot be deferred for payment at a future date, particularly after retirement. (However, see Op. St. Compt. No. 78-710, & 80-195.)

## Formality

A president of a board of education has no authority to sign a contract with the superintendent unless he/she is expressly authorized by resolution of the board of education. Be certain that the requisite formality of board action is accomplished. The same is true with respect to any subsequent changes or modifications to the contract.

## Sample Contract

The following is a sample employment agreement between a superintendent and board of education. It is illustrative only and is certainly not intended to be comprehensive or suitable for all situations. In addition to consulting with private counsel, superintendents concerned with initial or extended contracts are also advised to contact the Council for their latest data on that topic.

## SAMPLE EMPLOYMENT AGREEMENT

AGREEMENT, made this __________ day of __________________, by and between THE BOARD OF EDUCATION OF THE ____________________________________ SCHOOL DISTRICT, _________________ County, New York (hereinafter, the "Board") and ___________________________________, residing at _________________________ ______________________________, New York (hereinafter, the "Superintendent").

WITNESSETH:

WHEREAS, the Board has offered to employ the Superintendent as the chief executive and administrative officer of the _______________________________ Central School District (hereinafter, the "District"), upon the terms and conditions set forth herein; and

WHEREAS, the Superintendent has accepted said offer of employment; and

WHEREAS, it is acknowledged that a written contract specifying the terms and conditions of the Superintendent's employment by the District will provide the basis for effective communication and future understanding between the parties; and

WHEREAS, the parties have mutually agreed upon the following terms and conditions relative to the Superintendent's employment by the District.

NOW, THEREFORE, in consideration of the agreements hereinafter set forth, and other good and valuable considerations, the parties agree as follows:

1. Offer of Employment. The Board, pursuant to Section 1711, subsection 3 of the New York Education Law and in accordance with a resolution duly moved, seconded and adopted at a meeting held on ____________________, hereby offers to employ the Superintendent of Schools of the District upon the terms and conditions set forth in this Agreement.

2. Acceptance by Superintendent. The Superintendent hereby accepts said offer of employment and agrees to perform, to the best of his ability, the duties of such position.

3. Term of Employment. (a) The Superintendent's initial term of employment shall be for a __________ (_____ ) year period, commencing on ____________________ and terminating on _______________, unless further extended or sooner terminated as hereinafter provided.

(b) No later than __________________________ in each year of this Agreement, or any extension hereof, the Board shall meet to consider extending the term of the Superintendent's employment for an additional one (1) year period. At such time, a motion to extend the term of this Agreement for an additional one (1) year period will be moved, seconded and voted upon by the Board.

(c) Upon the Board's failure or refusal to so move, second, consider and vote upon such an extension within the time provided herein, the then unexpired term of the Agreement shall be automatically extended by an additional one (1) year period.

(d) Any extension of the term of the Superintendent's employment shall be in the form of an amendment to this Agreement; shall be upon the same terms and conditions as herein set forth unless otherwise agreed in writing by the parties; and it shall not be considered that the Board and the Superintendent have entered into a new agreement, unless expressly stated in writing signed by both parties hereto.

4. Superintendent's Duties and Responsibilities. (a) The Superintendent shall be the chief administrative officer of the District and shall perform all the duties of and possess all of the authority now or hereafter imposed upon or granted to a Superintendent of Schools under the provisions of the Education Law or other statute of the State of New York, or by rule or regulation of the Commissioner of Education.

(b) Without limiting the foregoing, the Board acknowledges that the Superintendent shall have the specific authority, right and responsibility to:

(i) organize and reorganize the administrative and supervisory staff, including instructional and non-instructional personnel, in a manner which in the Superintendent's judgment best serves the district;

(ii) make recommendations to the Board of Education as a prerequisite to either the appointment or the termination of employment of both instructional and non-instructional personnel;

(iii) supervise and direct associate, assistant and other superintendents, directors, supervisors, principals, teachers and all other persons employed in either the business management or the instructional activities of the District; and

(iv) transfer teachers from one school to another, or from grade of a course of study to another grade in such course.

(c) The Board may, from time to time, prescribe additional duties and responsibilities for the Superintendent; provided, however, that

(i) The Board shall not, without the Superintendent's written consent, adopt any policy, by-law or regulation which impairs or reduces the duties and authority specified above; and

(ii) all additional duties and responsibilities prescribed by the Board shall be consistent with those normally associated with the position of Superintendent of Schools in the State of New York.

(d) With respect to their relationships to one another and the determination of their respective powers and duties, the parties acknowledge that they are both subject to the laws of the State of New York and the applicable rules and regulations of the Board of Regents and the Commissioner of Education of the State of New York.

5. Board Referral. The Board, individually and collectively, shall promptly and discreetly refer to the Superintendent, in writing, for his study and recommendation, any and all criticisms, complaints, suggestions, communications or comments regarding the administration of the District or the Superintendent's performance of his duties.

6. Certification. The Superintendent shall possess a valid certificate to act as a Superintendent of Schools in the State of New York during the term of his employment with the District.

7. Compensation. (a) The Superintendent's base salary for the twelve (12) month period from __________________ to ____________________ shall be at the rate of __________________________________ Dollars ($_____________) per year, paid in equal installments in accordance with the rules of the Board governing salary payment to other District administrative employees.

(b) The Superintendent's compensation for each subsequent twelve (12) month period of employment shall be determined by the Board no later than ______________________ in each year; provided, however, that in no event shall the Superintendent's base salary for any twelve (12) month period of employment be less than the amount of base salary received during the preceding twelve (12) month period.

(c) At all times during the term of this agreement or any extension hereof, the Superintendent's annual base salary shall be in an amount which is at least one hundred ________________ percent (1_____%) of the annual base salary of any other District employee. For purposes of this provision, the salary of District employees who work less than twelve (12) months per year, will be annualized to afford a basis for comparison.

(d) Any increase in the Superintendent's base salary shall be in the form of an amendment to this Agreement; and it shall not be considered that the Board and the Superintendent have entered into a new agreement, unless expressly stated in writing signed by both parties hereto.

8. Performance Evaluation. (a) The Board shall devote at least a portion of one meeting during the month of ________________ in each year of the Superintendent's employment by the District to an evaluation in executive session of his performance and his working relationship with the Board. The evaluation shall be based upon performance criteria mutually agreed upon by the parties. The Board shall reduce that evaluation to writing in a form mutually agreed upon by the parties. The Superintendent shall be

provided with a copy of the written evaluation, signed by all members of the Board, at least ten (10) days prior to the executive session of the Board scheduled to discuss such evaluation.

(b) The Board also shall devote at least a portion of one meeting during the month of ______________________ in each year of the Superintendent's employment by the District to a general discussion in executive session between the Board and the Superintendent with respect to his performance and his working relationship with the Board. A written memorandum summarizing that discussion shall be provided to the Board by the Superintendent subsequent to such discussion.

9. Other Benefits. In addition to the annual compensation specified in paragraph "7" of this Agreement, the Superintendent shall be entitled to receive all benefits which now are, or which during the term of any extension of this Agreement may hereafter be, received by any other District employee including, but not limited to, vacation leaves; illness benefits and sick leaves; health, dental, disability, life and other forms of insurance protections; personal leaves; retirement programs; tax shelter annuities; and other employee benefits. Said employee benefits shall be received by the Superintendent to at least the same extent and amount as such benefits are provided to other District employees.

10. Vacation Leave. (a) The Superintendent shall be credited with ___________ (_____) days vacation leave upon commencement of employment with the District.

(b) Unless entitled to a greater amount by virtue of Paragraph "9" hereof, the Superintendent shall be credited with an additional _______ (_____) days of vacation leave, upon completion of each six (6) months of employment with the District.

(c) The Superintendent shall be entitled to accumulate up to a maximum of _______________ (______) days unused vacation leave during the period of his employment with the District. Such accumulated vacation leave shall be carried over and may be used during any subsequent year of employment.

(d) In the event the Superintendent has unused accumulated vacation leave at the time his employment with the District terminates, he shall be paid at the rate of 1/_______th of his then current annual salary for each day of unused accumulated vacation leave.

11. Sick Leave. (a) The Superintendent shall be credited with ___________ (_____) days of sick leave upon commencement of employment with the District.

(b) Unless entitled to a greater amount by virtue of Paragraph "9" hereof, the Superintendent shall be credited with an additional _________ (______) days of sick leave, upon completion of each six (6) months of employment with the District.

(c) The Superintendent shall be entitled to accumulate unused sick leave during the period of his employment with the District. Such accumulated sick leave shall be carried over and may be used during any subsequent year of employment.

(d) In the event the Superintendent has unused accumulated sick leave at the time his employment with the District terminates, he shall be paid at the rate of 1/_____th of his then current annual salary for each day of unused accumulated sick leave.

12. Expense Reimbursement. (a) The Superintendent is authorized to incur reasonable expenses in the discharge of his duties, including but not limited to expenses for travel and lodging; professional association dues and fees; attendance at professional conferences and meetings on national, state and local levels; and similar items related to his employment.

(b) The Board will pay or reimburse the Superintendent for all such expenses upon presentation, from time to time, of an itemized account of such expenditures.

13. Transportation. The Superintendent shall be provided with a District-owned or District-leased late model automobile for his business and personal use during the initial term or any extension of this Agreement. The Superintendent's expenses for gasoline, insurance, maintenance and repairs in connection with the operation of said vehicle shall be paid by the District.

14. Indemnification. The Board agrees to provide legal counsel and to indemnify the Superintendent against all uninsured financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other conduct resulting in bodily or other injury to any person or damage to the property of any person committed while the Superintendent is acting within the scope of his employment or under the direction of the Board.

15. Other Work. The Superintendent shall devote his full time, skill, labor and attention to the discharge of his duties during the term of this Agreement; provided, however, that he may undertake consultative work, speaking engagements, writing, lecturing or other professional duties, obligations and activities, with or without remuneration, so long as such activities do not interfere with the full and faithful discharge of the Superintendent's duties and responsibilities as specified herein.

16. Disability. If, by reason of sickness or other disability, the Superintendent shall be incapacitated from rendering the services required of him hereunder for a period of time extending beyond the Superintendent's sick leave entitlement, (as the same may then exist or may be extended by the Board), then in that event the Board shall grant the Superintendent an extended leave for an additional ________ (_____) months of full pay;

after which, upon written notice to the Superintendent, the Board may make an appropriate deduction from the Superintendent's compensation, which deduction shall continue for an additional __________ (_____) months extended leave. Upon the expiration of __________ (_____) months from the Superintendent's exhaustion of his sick leave entitlement, at the option of the Board and upon written notice to the Superintendent, the Board may grant a further leave with or without compensation (and, if compensated, at a rate determined by the Board) or the Board may terminate this Agreement. In the event of such termination, the compensation provided for herein shall be paid to the Superintendent for and including the month to which such extended leave has been granted.

17. Annual Medical Examination. The Superintendent agrees to have a comprehensive medical examination performed once during each twelve (12) month period of his employment and to file a statement from the examining physician certifying to his physical competency with the Clerk of the Board. Such statement will be treated as confidential information by the Board and the cost of such annual medical examinations shall be paid by the District.

18. Just Cause. The Superintendent shall not be disciplined, transferred from the active performance of his duties, or discharged without just cause.

19. Termination. This Agreement may be terminated and the Superintendent may be removed during the term hereof upon the happening of either of the following events:

(a) The Superintendent shall be unable, by reason of sickness or other disability, to discharge the duties and responsibilities specified in this Agreement for a period of __________ (_____) consecutive months beyond exhaustion of the Superintendent's accumulated sick leave entitlement or beyond the period of any extended leave granted by the Board as authorized in Paragraph "16" hereof; or

(b) The Superintendent is determined to be guilty of insubordination, immoral character, inefficiency, incompetency or neglect of duty in accordance with the hearing procedures set forth in paragraph "20" hereof.

20. Hearing Procedures. (a) Charges against the Superintendent may only be brought by the Board and all such charges shall be in writing. The Superintendent shall be entitled to a fair hearing on said charges, upon at least thirty (30) days notice, before an independent hearing officer. The hearing officer shall be selected by mutual agreement between the Superintendent and the Board or, in the event no such agreement is reached within __________ (______) days after the Superintendent's receipt of the written charges, by appointment in accordance with the following procedure:

(i) Each party will submit to the District Clerk a list of the names and addresses of five (5) individuals who are acceptable and willing to serve as such hearing officer;

(ii) Within two (2) days from receipt, the District Clerk shall compare the lists to see if the name of any individual appears on both lists. If so, the first such name to appear on the list submitted by the Superintendent shall serve as the hearing officer;

(iii) In the event no individual is named on both lists, the District Clerk shall immediately advise both parties. Within two (2) days from the date of such notifications, the parties will submit to the District Clerk a further list of the names and addresses of five (5) different individuals who are acceptable and willing to serve as such hearing officer;

(iv) The procedure set forth above shall be repeated (each time comparing both all prior lists and the current list of one party with the prior lists and the current list of the other party) until such time as an individual is elected to serve as the hearing officer.

(b) The Superintendent may not be suspended from the performance of his duties during the pendency of such hearing and shall be entitled to due process protection at such hearing, including but not limited to the right to elect a public or private hearing; to be represented by counsel; to present, cross-examine and subpoena witnesses; to subpoena documents, papers, letters or other tangible evidence; to have all testimony given under oath; to receive without cost an accurate written transcript of the proceedings; and to receive written findings of fact and conclusions of law from the hearing officer. The decision of the hearing officer shall be binding upon the parties, subject to their respective rights to appeal in accordance with law.

(c) Any criticisms or complaints which have not been previously forwarded to the Superintendent in accordance with the provisions of paragraph "5" of this Agreement shall not be admissible at such a hearing against the Superintendent.

(d) If the charges against the Superintendent are not sustained at such hearing or after any appeal therefrom, the Board shall reimburse the Superintendent for the actual and necessary attorneys' fees and disbursements incurred by the Superintendent in the defense of the hearing or appeal therefrom.

24. Written Agreement. This Agreement shall continue in full force and effect for the term expressed herein unless otherwise terminated, modified or extended in accordance with the provisions of Paragraph "3" hereof or by an agreement in writing between the parties.

25. Severability. The invalidity or unenforceability of any provision hereof shall in no way affect the validity or enforceability of any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above set forth.

BOARD OF EDUCATION OF THE

______________________________

SCHOOL DISTRICT

By:

______________________________

______________________________

Superintendent

## CLERK'S CERTIFICATION

This is to certify that this Agreement was approved and the execution hereof on behalf of the Board of Education was authorized by vote of the Board of Education of the ______________________________ School District at a public meeting duly held on ____________________, and has been made a part of the minutes of that meeting.

______________________________
School District Clerk

## ACKNOWLEDGEMENTS

STATE OF NEW YORK )
COUNTY OF ) ss.:

On this _____ day of ______________, before me came ________________________ ____________________, to me known who, being by me duly sworn, did depose and say that he resides in ______________________________________; that he is the ______________________________ of the Board of Education of the ______________________ School District described in, and which executed the foregoing Agreement; that he knows the seal of said school district; that the seal affixed to said Agreement is such school district seal; that it was so affixed by order of the Board of Education of said school district; and that he signed his name thereto by like order.

______________________________
Notary Public

STATE OF NEW YORK )
COUNTY OF ) ss.:

On this _____ day of ______________, before me came __________________, known to me to be the person described in, and who executed the foregoing Agreement, and duly acknowledged to me that he executed the same.

______________________________
Notary Public

# ALTERNATIVE CONTRACT PROVISIONS

## Term of Employment

1. The Superintendent's initial term of employment shall be for a __________ (____) year period, commencing on __________ and terminating on ____________, unless further extended or sooner terminated as hereinafter provided.

(a) Prior to the end of the first year of this Agreement, the Board may consider entering into a new ________ (____) agreement at the request of the Superintendent.

(b) Prior to the end of the second year of this Agreement, the Board shall meet to consider and decide whether to enter into a new ____________ (____) year agreement. At least three (3) months prior to the end of the second year of this Agreement, the Superintendent shall notify the Board of the requirement of this particular contract provision.

2. This Agreement shall remain in full force and effect for a period of ________ (____) years, to commence on ____________ and to terminate on ____________.

(a) The Board agrees to review the provisions of this Agreement on or before July 1st of each year with a view toward deciding whether to offer the Superintendent an extension of the term hereof.

(b) Written notice given at least ____________ (____) months prior to the expiration of this Agreement shall be required by either party to the other in the event either party intends not to renew this Agreement.

3. The Parties agree that at a meeting of the Board to be conducted during the month of __________ in each year of the term of this Agreement, a resolution will be considered and voted upon by the Board to authorize a new contract of employment with the Superintendent for a term of ________ (____) years, upon the same terms as herein provided with the exception of salary. The salary in any new agreement shall be in such amount as the parties shall agree upon, but in no event shall it be less than the salary then existing. Such new agreement, when duly executed, shall supersede this Agreement.

4. This Agreement shall be reviewed by the Board and the Superintendent on or before ____________, and may then be extended for a period of ____________ (____) years after the termination date set forth herein, upon such terms and conditions as may be mutually agreed to by the parties.

## Expense Reimbursement

The Board reserves the right to limit the Superintendent's attendance at professional conferences and meetings on national, state and local levels when, in its discretion, the same will interfere with the full and faithful discharge of the Superintendent's duties and responsibilities.

## Indemnification

As a condition of receiving such indemnification, the Superintendent shall, within ten (10) days of the time he is served with any summons, complaint, process, notice, demand or pleading, deliver a copy of the same to the Board.

## Other Work

The Board reserves the right to limit such outside work when, in its judgment, the same actually interferes with the full and faithful discharge of the Superintendent's duties and responsibilities.

## Annuity

In addition to the compensation provided for herein, the Board shall, within thirty (30) days from the date of execution of this Agreement, purchase an annuity for the Superintendent in the amount of $______________, as more fully set forth in Exhibit "B" to this Agreement. The Board shall purchase this annuity and pay the first premium upon the execution of this Agreement; and subsequent annual premiums shall be paid by the Board each year during the term of this Agreement. In the event this annuity agreement is terminated, all moneys which would otherwise constitute annual premium payments shall be paid as salary to the Superintendent on the date on which said premiums would otherwise be due.

## Deferred Compensation

1. The Board and the Superintendent agree that the Superintendent may defer $______________ per year of the compensation provided for herein, which shall be retained by the Board to be paid as hereinafter provided (the cumulative total of said retained compensation accruing during the term of this Agreement is collectively referred to herein as "Deferred Compensation"). At the expiration of this Agreement or any extension thereof, such Deferred Compensation shall be paid by the Board to the Superintendent at the rate of $____________ on the first business day of each calendar month. The Board shall continue such monthly payments of Deferred Compensation to the Superintendent until he has received the total amount of Deferred Compensation retained by the Board. If the Superintendent shall die before he receives the total amount of Deferred Compensation, then the balance of such moneys shall be paid by the Board to the Superintendent's estate within sixty (60) days of his death. In the event this Agreement for Deferred Compensation is determined to be invalid by any administrative agency or court of competent jurisdiction, then the full amount of such Deferred

Compensation retained by the Board shall be immediately payable as salary to the Superintendent or to the estate of the Superintendent.

2. All amounts retained by the School District as Deferred Compensation shall be deposited in a special interest bearing account maintained by the School District. The Superintendent shall be entitled to receive all interest earned thereon.

3. Accumulated interest earned on the Deferred Compensation account shall be paid to the Superintendent quarterly during the term of the Agreement. Any accumulated interest earned after the expiration of this Agreement shall be paid to the Superintendent as Deferred Compensation pursuant to the provisions of paragraph "____" hereof.

## Retirement

In the event the Superintendent is entitled to any retirement benefit under the terms of this Agreement, or under the terms of any School District collective bargaining agreement or other Board policy, plan or directive which is incorporated by reference herein, the Superintendent shall be deemed to have "retired" from his employment if the term of this Agreement or any mutual extension thereof shall have expired and there shall have been no finding of guilt or charges brought against the Superintendent, pursuant to paragraph "____" of this Agreement.

## Life Insurance

The Board shall purchase and pay the continuing premiums for a term (or whole life) insurance policy with a face value of $____________ insuring the life of the Superintendent. The Superintendent shall designate the beneficiary thereunder. Unless the Superintendent has been dismissed after a hearing pursuant to paragraph "_____" of this Agreement and all appeals therefrom have been exhausted, upon the termination of this Agreement, the Board shall assign such life insurance policy to the Superintendent without cost to the Superintendent. Any paid up benefit, cash surrender value or other equity in such policy shall be the property of the Superintendent. The Superintendent shall be responsible for the payment of all premiums from the date of assignment.

## Working Facilities

The Board shall furnish the Superintendent with a private office, stenographic and secretarial assistance, and other such facilities and services suitable to his position and appropriate for the Superintendent to perform his duties.

## Personal Leave

The Superintendent shall be entitled to ___________ (_____) personal leave days each year of this Agreement without loss of pay. Personal leave shall not be charged against any other benefit enjoyed by the Superintendent herein. Personal leave may be accumulated and any personal leave days remaining at the termination of this Agreement shall be paid at the rate of 1/_____ths of the Superintendent's then current annual salary for each such day of accumulated personal leave.

## Legal Counsel

1. The Board agrees to reimburse the Superintendent for all reasonable attorneys' fees and expenses incurred by the Superintendent in prosecuting or defending actions, claims or other controversies relating to the Superintendent's services performed within the scope of this Agreement.

2. The Superintendent shall be responsible for the payment of his own attorneys' fees in connection with the defense of any charges brought against him pursuant to paragraph "_____" of this Agreement; provided, however, that if the Superintendent is ultimately found not guilty of said charges, the Board shall reimburse the Superintendent for all attorneys' fees and expenses actually incurred in the defense thereof or in the defense or prosecution of other proceedings related thereof.

## EXHIBIT "A" TO EMPLOYMENT AGREEMENT

## JOB DESCRIPTION

## ______________________ SCHOOL DISTRICT
## SUPERINTENDENT OF SCHOOLS

### Basic Function

The Superintendent is the chief executive officer of the ______________ School District (herein, the "District") and is responsible for the effective operation of the District; for the general administration of all educational programs, projects and services; for the administration of all business operations or other affairs of the District; and for advising and making recommendations to the Board of Education (herein, the "Board") with respect to these activities.

### Primary Activities

The Superintendent of Schools shall possess the following powers and be charged with the following duties:

1) To be the chief executive officer of the District, with the right to speak on all matters before the Board, but not to vote.

2) To enforce all provisions of law and all rules and regulations relating to the management of the schools and other educational, social and recreational activities under the direction of the Board.

3) To prepare the content of each course of study authorized by the Board. The content of each such course shall be submitted to the Board for its approval. When approved, the Superintendent shall cause such courses of study to be used in the grades, classes and schools for which they are authorized.

4) To recommend suitable lists of textbooks to be used in the schools.

5) To have supervision and direction of associate and assistant superintendents, directors, supervisors, principals, coordinators, or the educational activities of the District; to transfer teachers from one school to another, or from one grade of a course of study to another grade in such course; to report violations of regulations and cases of insubordination to the Board and to suspend an associate or assistant superintendent, director, supervisor, principal, coordinator, teacher or other employee until the next regular meeting of the Board, when all facts relating to the case shall be submitted to the Board for its consideration and action.

6) To have supervision and direction over the enforcement and observance of the courses of study, the examination and promotion of pupils, and over all other matters pertaining to playgrounds, medical inspection, recreation and social center work, libraries, lectures, and all other education activities under the management, direction and control of the Board.

Responsibilities

1) Keep the Board informed of the conditions of the District's educational system; assure effective communication between the Board and the staff of the school system. Relay all communications by the Board regarding personnel to District employees and receive from all school personnel any communications directed to the Board.

2) Prepare the agenda for Board meetings. Prepare and submit recommendations to the Board relative to all matters requiring Board action, placing before the Board such necessary and helpful facts, information and reports as are needed to ensure the making of informed decisions.

3) Submit to the Board a clear and detailed explanation of any proposed procedure which would involve either departure from established policy or the expenditure of substantial sums.

4) Develop and recommend to the Board objectives of the educational system; see to the development of internal objectives which support those of the Board.

5) Develop and recommend to the Board long-range plans consistent with population trends, cultural needs, and the appropriate use of District facilities, and see to the development of long-range plans which are consistent with established Board objectives.

6) See to the development of specific policies, procedures and programs to implement the intent established by Board policies, directives and formal actions.

7) See to the execution of all decisions of the Board.

8) See that sound plans of organization, educational programs and services are developed and maintained for the Board.

9) Maintain adequate records for the schools, including a system of financial accounts, business and property records, personnel records, school population and scholastic records. Act as custodian of such records and of all contracts, securities, documents, title papers, books of records, and other papers belonging to the Board.

10) Be directly responsible for all news releases and/or other items of public interest emanating from all District employees which pertain to education matters, policies, procedures, school related incidents or events. Approve media interviews of this nature with District employees.

11) Provide for the optimum use of the staff of the District. See that the District is staffed with competent people who are delegated authority commensurate with their responsibilities. Define the duties of all personnel.

12) See that appropriate inservice training is conducted. Summon employees of the District to attend such regular and occasional meetings as are necessary to carry out the educational program of the District.

13) Prior to action by the Board, recommend the appointment, discipline or termination of employment of the administrators of the District.

14) Prior to action by the Board, recommend the appointment, discipline or termination of employment of teaching and non-teaching personnel of the District.

15) See to the development throughout the District of high standards of performance in educational achievement, use and development of personnel, public responsibility, and operating efficiency.

16) See that effective relations with employee organizations are maintained; assume ultimate responsibility for collective negotiations with employees of the District.

17) See that the development, authorization, and the maintenance of an appropriate budgetary procedure is properly administered. Prepare the annual proposed budget and submit it to the Board by March 1st or at such earlier date as is necessary to provide an adequate opportunity for the Board's discussion and deliberation.

18) See that all funds, physical assets, and other property of the District are appropriately safeguarded and administered.

19) File, or cause to be filed, all reports, requests and appropriations as required by various governing bodies and/or Board policies.

20) Establish and maintain liaison with community groups which are interested or involved in the educational programs of the District.

21) Establish and maintain liaison with other school districts, BOCES, State Education Department, Universities, and the U.S. Office of Education.

22) Act on own discretion in cases where action is necessary on any matter not covered by Board policy or directives. Report such action to the Board as soon as practicable and recommend policy in order to provide guidance in the future.

## Primary Relationships

The Superintendent observes and conducts the following relationships:

1) Board of Education

(a) As chief executive officer, be accountable to the Board of Education, as a Board, for the administration of the educational system and for the interpretation and fulfillment of the aforesaid function, primary activities and responsibilities.

(b) Attend, or have a representative attend, all meetings of the Board.

(c) Represent the District as the chief executive officer in dealings with other school systems, professional organizations, business firms, agencies of government, and the general public.

(d) Report directly to the Board of Education, as a Board, and as required, to all appropriate governmental agencies.

(e) Act as reference agent for problems brought to the Board.

(f) Work with the Board of Education to develop appropriate programs and policies, upon either the recommendation of the Superintendent or the initiative of the Board of Education.

2) Assistant Superintendent, Building Principals, Other Administrators

(a) Directly oversee the work of Associate and Assistant Superintendent(s), and other central office personnel.

(b) Hold regular meetings with the Associate and Assistant Superintendent(s), Building Principals, Coordinators/Directors, and other Administrators (herein, "Administrative Personnel") to discuss progress and educational problems facing the District.

(c) Direct the operations and activities of Administrative Personnel; see that they effectively guide and coordinate the operations and activities of the educational system; secure their assistance in formulating internal objectives, plans and programs; evaluate their job performance; and stand ready at all times to render them advice and support.

(d) Approve the vacation schedules for Administrative Personnel; and be personally responsible for all evaluations of Administrative Personnel.

3. Others

(a) Work with other Board employees and advisors, including auditors, architects, attorneys, consultants, and contractors.

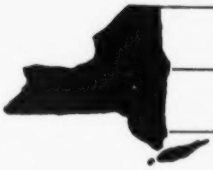
(b) Hold such meetings with teachers and other employees as is necessary for the discussion of matters concerning the improvement and welfare of the schools.

(c) Attend, or delegate a representative to attend, all meetings of municipal agencies or governmental bodies at which matters pertaining to the public schools appear on the agenda or are expected to be raised.

(d) Represent the District before the public, and maintain, through cooperative leadership, both within and without the District, such program of public relations as may keep the public informed as to the activities, needs, and successes of the District.

(e) Receive all complaints, comments, concerns and criticisms regarding the operation of the District from the public, employees of the District, students, and Board members.

F-G
GOVERNANCE



# Governance in the School District

F. Superintendent-School Board Relationships **F-1**
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# SUPERINTENDENT - SCHOOL BOARD RELATIONSHIPS

Robert W. Heller
Professor of Education
State University of New York
at Buffalo

## Introduction

Education is a people business. Being a superintendent of schools means assuming a role that demands constant interaction with people. On a daily basis the superintendent meets, works with, or supervises the professional staff of the schools, the administrators, the support staff, parents, community persons, state educational leaders, and other persons from a broad spectrum of organizations or roles. However, no relationship is more important for the superintendent, and for the welfare of the educational system, than that between the superintendent of schools and members of the board of education. By necessity, it must be a close-working relationship based upon mutual respect and clarity of common purpose.

State Law requires that each public school district have a superintendent of schools. The superintendent serves as the educational leader of the school district and as the chief executive officer of the board of education. Board of education members are elected and/or appointed and upon assuming office become State educational officers. This is an awesome role, for as State educational officers, they have responsibility to all of the citizens of the State to provide for educational needs. While their immediate concerns focus upon the needs of the local school district which they represent, they must also remain cognizant of the educational needs of all the citizens of the State. The board of education, along with the professional educational leader - the superintendent -serve as the governing body of the school district. The board of education and administration represent the management segment of the school district as distinct from the programmatic side.

## The Superintendent

The superintendent of schools performs in two major roles: one, as the chief executive officer of the corporate body, the board of education; two, as the professional educational leader of the school district. The superintendent is an integral member of the board of education but lacks voting rights. Consequently, the superintendent is present for all meetings and business of the board. Exceptions to this are when the board meets to evaluate the performance of the superintendent (however, some boards and superintendents perform this important task together), or when the contract of the superintendent is being considered.

The superintendent serves at the will of the board. The most common agreement of employment is the written contract. The length of the contract, as well as the provisions for terminating the employment of the superintendent prior to the initially agreed upon term, is spelled out. All contractual agreements must conform to State educational laws governing superintendents.

Some superintendents and boards of education are comfortable with a verbal contract and a handshake. In past times this was a very common practice and few problems were ever encountered. Superintendents stayed in one school district for long periods of time and persons regularly served as board members for multiple terms. There was great stability in these two roles. In recent times conditions have changed drastically. Superintendents have found it necessary to ensure minimal security through a written contract, whether it be for agreed upon fringe benefits or for the length of the appointment. Membership on boards of education now turns over rapidly. This affects the personality and priorities of the board. The superintendent's skills and leadership style may not be compatible with this new board and relationships may become strained. Oftentimes this results in the superintendent having a contract terminated or not renewed. Two or three decades ago, it was not uncommon for a person to serve as superintendent for 10, 15, 20 or 25 years in one school district. Today the average length of time for superintendents to serve in one position nationally is approximately six years. In some states it is much less. An expression commonly heard today is, "Superintendents are fortunate to serve one term (usually three years) and then must move on".

The conclusion that many persons make when the superintendent/board relationship becomes strained to the breaking point is that the superintendent is incompetent and being fired. Obviously, this can be the case. However, it has been my observation over the years that downright incompetence of the superintendent is usually the exception. The problems may stem from high turnover of board membership, lack of cohesion of boards in addressing goals, and individual board members whose behaviors become dysfunctional to the smooth operation of the board and school district. The superintendent frequently becomes the "fall person" when chaos and dissatisfaction in the board becomes rampant.

In order to understand fully the current high turnover of superintendents and school board members, one has to look more closely at events and changes occurring in contemporary American society. The larger environment in which schools exist is very turbulent. Nesbitt, in his book Megatrends, very clearly spells out the major trends we are experiencing in today's society.

Less and less often, people are accepting conditions as given or as presented to them. Nor are they willing to let others make all decisions for them. Increasingly people want to be involved in the decision making process and the governance of their lives.

In this nation, we have a long tradition of schools existing to meet the educational and social needs of the people. While education is the province of the State, members of the local community see the schools as "their schools". The schools are paid for by their taxes and are there to serve them. The community expects that when persons are appointed or elected to the school board, they will represent its interests. This is true even if one segment of the public's interest may be contrary to sound educational practice in a given situation. It appears that with increasing frequency, the community, as represented by the board, has goals or priorities that are in conflict with the existing educational program or expertise of the professional educators working for the school system. An example would be where a board of education, against the best advice of the professional staff and recommendation of the superintendent, moves to cut the arts from the curriculum in order to keep taxes down. The board and the public may see this as prudent fiscal management, while the superintendent and the professional staff see it as damaging to maintenance of a quality educational program for the learners. The board and superintendent may both feel strongly that they are right and remain committed to their positions. When enough situations of this nature occur, strains in the relationship between the board and superintendent begin to grow. If corrective measures are not taken early in the process, the strain may eventually result in breaks in the relationship. This can have negative effects down through the system and eventually hurt the learners. Superintendents must do everything within their power to keep the relationship between them and their boards of education open and positive. The superintendent plays a critical role in keeping the learners as the central focus of all decisions. Schools exist to meet the educational needs of the learners and not to fulfill the needs of the board of education, the administration, the professional and support staff, the parents, or the public.

## Boards of Education

Becoming a member of a board of education is one of the finest forms of public service that a person can provide to his or her community. It can be a challenging and exciting experience, rewarding the incumbent with a great sense of pride and accomplishment. It also tends to be a thankless role. Many individual board members and many boards of education live on a diet of negative reinforcement. Working together as a board, they must face many difficult decisions, i.e., budgets, program, staffing, facilities, etc.. During their deliberation of these tough decisions, they may leave no stones unturned. The ultimate decision made may make large groups of people very happy as well as very unhappy. A board of education acting upon the recommendation of the superintendent to close a school, based upon sound educational practices and prudent fiscal management, may experience great hostility from large segments of a community. The board may agonize as it considers all of the pros and cons of the decision. Some board members may vote contrary to what, down deep in their hearts, they would like to happen in order to best serve the educational interests of the learners. Their reward for acting as responsible public servants is much negative criticism from the press, their friends, and members of the community. At a time when they should be lauded for their courage in making a thorough study of the problem and making the soundest educational decision, they instead get beat down. It is very difficult for the board, and superintendent, to feel a sense of accomplishment and continue to be productive over the long haul if they do not receive positive strokes for their action, particularly when they were undertaken in a responsible fashion.

Upon being elected or appointed to a board of education, an extended period of time is usually required to become acclimated to the role. The board's major responsibility rests with the development of the policy of the school system. However, board members find it necessary to have some broad understanding of the educational process in order to ensure that the appropriate policy decisions are being made.

One of the best vehicles for orienting new school board members to the district is to have the superintendent sit down with them and go over the written policy manual page by page. Two goals can be achieved. One, the superintendent can begin the important process of building a positive working relationship with the new board members. If they sit down together as a small group for an hour or two over several meetings they can engage in open communication and begin the process of becoming acquainted. Two, the superintendent can assist new board members in developing a feeling and knowledge for the totality of a school district. The superintendent should walk them through each portion of the policy manual and explain the need for the policy and the administration of the policy by the superintendent through the professional and supportive staff. This process will assist new board members in the development of a sound knowledge base. This will be invaluable to individuals as they strive to become active and contributing members of a board of education.

The superintendent should take the lead in providing this important inservice to the new board members. The quicker that these policy review sessions begin and the greater the depth of discussion, the sooner these individuals will become contributing members of the board. It is not uncommon today to have someone run for the board of education on some single issue which he or she feels needs immediate attention. They perceive that a motion or two will resolve a problem. They expect that the superintendent will rush out to carry out their new policy the first thing the next morning. We all know that this is not how changes occur in complex organizations.

By sitting down with the superintendent and going over in detail the policies of the district, new board members may be surprised to learn that policies already may exist in the areas of their concern. The superintendent would also be well advised to tie review of the budget to the existing policies in order to assist the new board member in making the necessary connections.

In most instances a person becomes a good board member by design, not by chance. A superintendent can minimize the element of chance becoming paramount by establishing a process for in-servicing new board members immediately upon their assuming the role. In addition, a process of continuous in-servicing for all members of the board and the superintendent ought to be included in the policy manual and carried out faithfully.

## The Board as a Corporate Body

In most communities the board of education and the school district represent the largest business enterprise. It has the largest budget, greatest number of employees, largest payroll, all of the learners, and a multi-million dollar physical plant. While some persons object to calling schools a big business, they are. Schools are in the business of educating the learner.

Education is an important business which must be given the highest priority possible. Our free public educational system is the backbone of the future of our nation. The quality of life that we all will enjoy in the future rests in the hands of the quality of the education our young learners are presently receiving. Wise investment in our educational system today will pay great dividends to all of us in the future, as our new highly educated leaders emerge to take their places in society.

The school board is a public corporate body and must function in a responsible fashion similar to other corporate bodies. It is no different from the board of directors of the local bank or of General Motors. The superintendent is to the board of education what the chief executive officer of General Motors is to his board.

On a corporate body no individual has standing. That is, the board operates as a committee of the whole. Issues must be dealt with in an open hard-hitting fashion. All sides of an issue must be explored. Following the discussion, where each board member must be provided the opportunity to freely participate, a vote must be taken. When the final tally of the votes is taken, the board and superintendent must adhere to and support that decision; the action of the majority prevails. If individual board members deliberately set out to undermine the efforts of the board, they become dysfunctional and can destroy the efforts and credibility of the whole board. The superintendent, as the chief executive officer, has the responsibility for administering and carrying out the policy actions of the board of education.

Many variables today are having a negative impact on boards in their quest to operate as a smooth-running, cohesive corporate body. Perhaps the most significant is that of high turnover of membership. The stability of membership is not holding up as in the past.

Being a school board member today is far more demanding in terms of a time commitment than in the past. Meetings of the board were shorter and of a more routine nature in the past. Today board meetings are more frequent and of greater length. More difficult dilemmas are being faced today, such as severe financial constraints, declining enrollments, reductions in force, collective negotiations, school closings, etc..

Board meetings can become very emotionally charged and draw throngs of citizens. Superintendents and board members may find themselves being whip-sawed between various factions of the community and school-related groups.

A different type of person may be attracted to school boards today. Persons who enjoy confrontation may find it to be their cup of tea. Also attracted are those with a specific single issue on which they want immediate action. At one time it was possible to generalize that membership on the board of education represented the upper-middle or middle class of the community, including professional people and executive type persons. This is no longer true. Large corporations which at one time encouraged their executives to become active in civic affairs, service on the board of education being one avenue, now do not want their employees to be identified with the "best show in town" where board meetings become heated and attract much negative publicity in the media.

People presently openly run for the board of education on platforms which support firing the superintendent, opening or closing a specific school, reducing taxes, cutting spending, eliminating programs, etc.. Political aspirations motivate some people to run for school boards. They use their school board seats as platforms for launching higher political interests. Pressure groups in the community oftentimes support specific board candidates to address their priorities when elected.

It is not uncommon to have the pro education, low-keyed solid type board member become discouraged with all of the petty bickering and behavior of the new type of board members. The long, dragged-out board meetings, where little of a positive nature is accomplished, convince such individuals to either resign or not run for reelection. Dysfunctional board members love the heat of the battle and hangs in there. When a seat opens on the board, they encourage their followers and supporters to run for it.

Interestingly, while the positive board or board member may be forced to live on the diet of the negative reinforcement mentioned before, the maverick or dysfunctional board member gets positive strokes and reinforcement for such behavior. The media gives them attention and lots of ink. They are readily interviewed on television. At board meetings, they are applauded and draw cheers from their followers. The other board members may be hooted and hollered down. Under these conditions, it doesn't take long for a solid smooth working board to swing to the other end of the continuum and become one that is in a state of disarray.

Superintendents must recognize that the composition of school boards is going to be constantly changing. The board that hired the superintendent will most likely not be around at contract renewal time. Superintendents must work at developing strategies for adequately dealing with a shifting board membership and people with divergent viewpoints. It will no longer suffice to say that I must look for a new job because my board of education has changed. For this same condition will most likely occur in the next and the next and the next position. Superintendents, if they desire to be the constant on the board, must aggressively work toward building the corporate image and behavior of the board. This will not be an easy task and may require the assistance of outside professional consultants. For the welfare of the learners and for the goal of developing a solid working relationship between the board and superintendent, it is a must.

## Policy vs. Administration

Ask someone to define or explain the difference between the roles of the board of education and the superintendent and you most likely will get a quick response, "It's policy vs. administration". The board of education, they will tell you, is responsible for developing the policy for the school district and the superintendent is charged with carrying out the board's policy. That appears to be a relatively easy and logical explanation. However, in the actual functioning of the school district, boards of education oftentimes have great difficulty in understanding where policy begins and ends, as well as where administration of that policy begins.

As indicated earlier in this discussion, in times past school boards had less difficulty dealing with the distinction between policy and administration. One explanation of this might be the orientation or perception one brings to the role of school board members. It used to be that people routinely referred to the "lay" board of education. Board members were perceived as lay citizens who were elected to develop the policy necessary for conducting the business of operating a school system. The superintendent was viewed as the professional educator who saw to it that the board's policy was translated into the educational program with the appropriate professional and support staff, physical plant, curriculum, and financial resources. Educational decisions were left to the professional educators through the office of the superintendent of schools.

We have now left that long-accepted notion of the "lay" board and have moved into the era of the "educator" board members. The distinction being that the "lay" board members did not view themselves as being educators or needing to know the details of the educational program, whereas the "educator" board member feels a great need to know as much about education as the professional educator. Consequently, the "educator" board member sets out to learn all about education and the curriculum as quickly as possible. The superintendent becomes the vehicle for educating them by responding to a constant barrage of questions at board meetings or by addressing an unsatiable thirst of board members which takes the form of requests for reports and studies. Many superintendents find themselves becoming overwhelmed with constant requests for reports and information from the board's requests which can dominate the superintendent's and school's personnel time. In these circumstances, other important necessities of managing the school district begin to be neglected.

Board members feel that they cannot make responsible decisions without a greater knowledge base. When they begin learning the basics of some area, they feel a greater need to learn the particulars. Consistent with the prior discussion of new board members, they do not accept things on face value from the superintendent. They want to know first hand the details.

As these board members become more knowledgeable of the educational process, they find it is far more exciting and rewarding to be involved in the administration of the policy rather than in its formation. In fact, it is interesting to observe a school district which has an up-to-date detailed written school board policy handbook, where the superintendent and the professional and supportive staff are, carrying out the board's policy down to the finest detail. It makes a board of education very uncomfortable to have every report and recommendation of the superintendent routinely approved. They fear being labeled a "rubber stamp" board of education for the superintendent. However, shouldn't this be the ideal situation that every board and superintendent strive to attain? If board members can employ a superintendent with the necessary talent and leadership to carry out fully its policy in the fashion intended by the board, then they should consider themselves fortunate. Instead, they feel they are becoming "tools" of the superintendent and just going through the motions.

Superintendents and boards need to keep their lines of communication open. They must openly discuss the intended roles of the board and the superintendent, which are documented in the written policy handbook. These policy statements have to be reviewed and updated periodically.

The written policy of the role of the board of education should detail the legislative aspects of its responsibilities. The legislative role of the board enhances at least three primary functions: policy, planning, and evaluation.

The written policy regarding the superintendent will enhance several primary functions. They include: planning, organizing, managing, recommending, directing, evaluating, and reporting.

A partner to the written policy board handbook is the administrative rules and regulations or by-laws handbook. Included in this document should be clearly worded and detailed role descriptions for all the administrators, teachers, and support staff.

The board and superintendent should also include in the board's policy handbook a policy for the formal evaluation of the superintendent and the board of education. Included in this should be criteria and a detailed evaluation process, which includes a time-line of dates for events to occur, and a list of who is responsible for what task in the evaluation process.

Dealing with that fine line between policy and administration is something which every board of education will have to consciously consider, particularly if it becomes a problem. It should become a part of the board's inservicing efforts in order to ensure it remains in perspective. A responsible board can function very effectively and enjoy a harmonious working relationship with its superintendent, if it sets out to achieve this goal.

### The Board President and Superintendent

While the working relationships between all members of the board and the superintendent are important, none is more critical than that between the board president and superintendent. By design these two roles fit together as closely as any in the school system.

It has long been stated that the single most important decision that any board of education makes is the selection of the superintendent. The second most important decision is the selection of the board president. The individuals serving in these two important roles should have open, close, and supportive relationships with one another. While this may not always be possible, it is highly desirable to have their styles compatible, in order to enhance the probability of their working together effectively.

The superintendent should feel free to discuss with the board president all items relevant to the management of the school district and of concern to the board. In particular, if the superintendent senses actual or potential problems between the board and the superintendent, it is important that the superintendent feel comfortable raising these issues with the board president with the full confidence that it will not negatively affect the superintendent's working relationship with the board. Conversely, the board president should feel comfortable raising and discussing with the superintendent any issues or problems that the board senses. If there is not this openness of communication between the board president and superintendent, the probability of serious problems escalating becomes greater and the working relationship worsens.

The board president and the superintendent should be in constant communication with one another. They should jointly prepare the agendas for meetings of the board and review the status of tasks assigned to the superintendent by the board. If a board of education elects someone to the board presidency who dislikes the superintendent or who distrusts the superintendent, it will be nearly impossible for the two to work together to achieve the goals of the school district and best serve the educational needs of the learners.

The board president and superintendent jointly should press the board to develop short and long term goals, plus yearly objectives for itself and the school district. It is important for the school system and the board to have broad educational goals to guide the operation of the total educational system.

## Some Final Thoughts

It is difficult to isolate all of the possible variables that impact upon the relationship between the superintendent and board of education. Many times there are minor concerns or areas which people either inadvertently overlook or fail to perceive as problems. The current tendency appears to be to view the world through rose-colored glasses and think that everything is going well from either the superintendent's or board's perspective. Then an event occurs that is the straw that breaks the camel's back. At that point a whole host of issues emerge that were not seen before and superintendents may find their continued employment threatened.

To ensure that the superintendent goes that extra mile in fostering the best possible relationship with the board of education, constant monitoring of the following actions is suggested:

- Paramount is the requirement of the superintendent to communicate openly and candidly with the board of education, the total school staff, and the community.
- No surprises! Keep the board president and other board members apprised of events within the school district.

- Maintain a system of good written communications. Flooding the system with information is far more desirable than too little written communication.
- Treat all board members alike in a friendly, professional manner. Avoid developing social relationships with individual board members. If you invite a board member to your home for dinner or cocktails then invite all of the board.
- Keep as a major goal the development of trust with the board. Be a superintendent of unquestioned integrity.
- Demonstrate to your board that you are in control of yourself and the management of the school district. Establish a sound evaluation process for the educational program and the staff. The staff evaluation system should be designed to improve the performance of your administrators, teachers, and support personnel. Document and establish a paper trail on each employee. Report periodically to the board the results of the evaluation systems.
- Establish a continuous program of inservicing of the board-superintendent team. Set aside time to meet and discuss the role of the board, the superintendent, and the staff. Review periodically the goals, objectives, and priorities of the board. Have your board develop a written policy which encourages and funds active participation in preservice and ongoing inservice activities for board members and the superintendent. Include the administration whenever possible to reinforce the notion of the management team concept.
- Work at establishing a close, open, supportive, and effective working relationship with the board president.
- Be a strong leader by being informed, accept and give criticism plus praise when due, set a positive tone for the district, be consistent in your behavior, don't pout when things do not go your way, learn how to say no, and be honest with yourself and others.
- Work toward keeping all discussions at board meetings at the issue and concept level. Avoid personalizing discussions or debates.
- Provide your board with alternatives, particularly with difficult decisions. There is usually no one-and-only solution which puts the board in an either-or situation. Too many alternatives are also inappropriate.
- Be a good listener. Participate freely but bear in mind, the board meeting is theirs, not yours.
- Be tolerant and open minded, remaining receptive to new ideas.

- Stand up for what you believe is best for public education. Exert positive leadership when faced with difficult decisions.
- Think, stand up for, talk about, and fight with all your might for the kids. Keep the learner the focus of the decision making process. Remember the three most important aspects of the schools - the kids, the kids, and the kids!

The charge to the board of education and superintendent is to provide the best possible quality education to all of the learners. The board of education and the superintendent working together as a team is the ingredient necessary to make this happen.

# BOARDSMANSHIP
# FROM THE
# SUPERINTENDENT'S PERSPECTIVE

Joseph Executive
Superintendent of Schools
Empire State Central Schools

## Introduction

The establishment and maintenance of a workable relationship with the board of education is crucial for the superintendent of schools. Because local boards hold legal authority and policy-making power over public education, the ties between these bodies and the superintendent constitute one of the most important aspects of contemporary educational governance.

The development of relationships between superintendents and boards of education is part of American tradition. From their original positions of near-total control over community school systems, boards of education have become legislative bodies. In these roles, they now shape educational policy and decision-making while leaving the implementation of policy and other aspects of governance to professional administrators.

Superintendents, on the other hand, have evolved from staff assistants to educational executives. In these roles, they have become chief school administrators who develop proposals for board action and then implement the policies which emerge.

Understanding boardsmanship and related aspects of board-superintendent relations is a basis for effective management of public education. Familiarity with these roles on the part of all concerned can help ensure that board meetings and other activities will focus on productive discussion and decision-making. A lack of such understanding can relegate these sessions to perpetual haggling and frustration.

What follows is a series of do's and don'ts for dealing with school boards, developed by an individual who has served for ten years as superintendent of a New York State school district.

## Initial Contacts with the Board

Never take a superintendency unless you have a unanimous vote of board members. When you are face to face with the board, insist that the group take a public posture even though you recognize that one or more members had a different choice. If the board remains deeply divided, seek another position. Both you and the board will be the better for it.

## Goals and Objectives

Pursue what is in the best interests of your students and staff, as this is in the best interests of the superintendent and the board. Remember that both you and the board exist for the benefit of the students, and not vice versa.

For the first few years of your superintendency, goals and objectives are in order. Make certain that the goals established are basically those set for the district. Through this approach, the Board of Education will view the accomplishment of these goals as the attainment of its own goals - sort of a joint venture. This approach will encourage the board and superintendent to work together as a team, sharing successes and responding to future challenges. Be certain to make your goals and objectives relatively reasonable and reachable. Certainly, you will want your building principals to work toward building-level goals and objectives that will help fulfill those of the entire district.

Goals should be designed to be accomplished over a two or three year period, not any longer. Use the achievement of goals as a buildup to the board's evaluation of the superintendent. However, when the time arrives for assessment of the superintendent's work, spend time one-on-one with the president of the board, making certain that he/she understands the full responsibilities of the superintendency. The board president should receive, in written form, a description of just what is being accomplished in the district - proof of the day-to-day worth of the superintendent rather than a handful of goals and objectives.

After a few years, let the goals and objectives become secondary. You will find that board members become disinterested. Then you and the board can run the district by doing what is in the best interests of the kids.

## Scheduling Board of Education Meetings

When you begin your superintendency, no matter what has occurred in the past, try to reduce the number of board meetings to one each month. One way to accomplish this objective is to suggest that additional board meetings can be called as needed.

## Maintaining Communication with Board Members

As a back-up to board of education meetings, once-a-month or otherwise, assure the board members that the superintendent will keep them informed of what is happening in the district by way of regular written progress reports from the superintendent. Make these progress reports direct to the board members so they are always fully informed.

Send progress reports to board members every two weeks. Load them up with information and details as required. In a reasonably short period of time, board members will begin to understand that the amount of information they are receiving is only a small part of that generated by the total school operation. In fact, some board members will reach a point in time when they request that the updating of information by the superintendent be cut back.

Maintain a complete file of the board progress reports. Through this file, you'll be able to inform board members that you addressed issues well before problems arose.

Within the framework of roles and progress reports, interaction between the board of education and the superintendent usually hinges on the extent of two-way communication that exists between these two parties. Such communication is an absolute essential to effective school governance. Among the general forms for such communication which currently exist, it seems that a businesslike approach by which both sides share information yields the best results. The most crucial variable in this type of communications is the substance, rather than the form, of the discussions which occur.

## Maintaining Communications with the Board President

Attempt to develop open communications and a trusting relationship between yourself as superintendent and the board president. Allow the board president to be well-prepared in advance of all meetings. Encourage the president to take a hand in setting the meeting agenda.

## The Conduct of Board of Education Meetings

Use progress reports to board members as preparation for formalization of action items at future board meetings. As continuation of progress reports, provide backup data to formal recommendations, letting board members know that an action item is forthcoming. Should the members have any questions concerning an agenda item, encourage them to call you in advance of the meeting.

Despite this type of planning, a board member will occasionally ignore your backup information and publicly question the superintendent, perhaps attempting to table a motion. However, in most cases, such a deliberate attempt to ignore good communications will only succeed in isolating that member from the rest of the board - a definite plus for the superintendent and a well-functioning board.

While it is important not to appear to have too heavy a hand in the public forum, try to prepare board members, and particularly the president, for whomever may show up at a board meeting. Condition the president and the rest of the board to listen to each grievance or complaint. If it is not possible for the administration to handle the problem on the spot, the president should indicate that the board of education will look into the problem with the superintendent and that the administration will get back to them.

When making administrative recommendations to the board for formal appointments, use a standard procedure in order to avoid challenges from mistrusting board members. Via a formal report, make certain that:

- they understand the vacancy;
- they understand the posting, advertising, and application procedures;

- they understand the timeliness of the screening process;
- they understand the overall interview process; how many people applied, etc., without naming names;
- they understand and receive the final recommendation naming the candidate, and the background of the individual;
- the superintendent encourages board members to call his/her office prior to the board meeting if they have any questions regarding the recommendation;
- avoid the notion that the board may want to review the finalists or, in fact, interview them.

Be outwardly idealistic about your approaches to maintaining unity on the board, but understand that this is not always an achievable goal. Disagreements and bickering should take place in Executive Session. Urge board members to maintain unity at the public meeting. It adds dignity to the meeting and improves the image of the school district.

## Using the Clerk of the Board of Education to Deal with Board Members

In some respects, a good district clerk can serve as the superintendent's "alter ego". If you invest sufficient time to train the clerk properly, a decided plus for you can result. At the very least, the board's clerk should extend your ability to communicate with the board through approaches such as, "The superintendent asked me to call you to see if he should arrange for you to attend the conference..." or "The superintendent is right in the middle of handling a bus accident (or an avalanche), but he asked me to call you right away to tell you that no one is hurt and that as soon as he squares the situation away, he will send the board a full report". Get the clerk in the habit of informing you about matters first, in order to have total information available before he/she passes it on to the board. Share information with the clerk and define a role for the clerk to play in your overall relationship with the board.

## Using the Superintendent's Secretary to Deal with Board Members

When you have a good secretary, which is a must, trust her and her judgment. Let her know where you'll be. In that way, she can call call you, or you can call her, in order to ensure that board members who telephone the superintendent's office are contacted promptly.

Whether friend or foe, some board members do not understand that occasionally the superintendent goes home at night, or is not available to them. So, when such individuals call your office and you're not there, the secretary should say, "He's out in the district, but he can call you right back".

## General Aspects of Boardsmanship from the Superintendent's Perspective

Encourage members of the board to go to educational conferences. By their attendance at conferences, both state and national, they should never be able to question why the superintendent was at a conference or workshop. Besides, board members should be exposed to what is going on in other schools and in education in general. Board members with a more "universal" view are less likely to become mired in provincial snags.

Encourage socialization by way of a holiday party. Board members seldom admit to the notion that they love parties like most of us. Find a method of financing a get-together and legitimize the reason - such as the retirement of a board member, the final meeting of the school year, or the final meeting for a long-standing administrator. Whatever the reason, it should be valid, and increase understanding on a more personal basis.

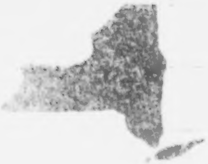
Make certain to protect board members by seeing to it that they deal with expenses properly and legally. Train the district clerk or business manager to be the "heavy" (along with the superintendent) so that anti-school people who become hostile board candidates will be void of ammunition to attack the incumbents. Of course, if a board member is opposed to your existence, let him/her hang (with proper public exposure).

Do not try to understand why a person would want to be a member of the board. (There are many reasons, mostly to help bring about position changes.) Instead, discuss your appreciation with board members for their doing a thankless job. At the same time, let them know the frustrations and horrendous workload required of the superintendent.

When the superintendent puts the "kids first" the board will generally concur and fall into line. For a board member to take an opposing stance after you've introduced a "kids first" approach is for him/her to disavow apple pie and motherhood.

Avoid developing personal friendships on the board, unless you've served successfully as a superintendent for at least five years and have a solid extension of your contract beyond five years.

Always realize that a successful school superintendency requires an intricate balance of idealism and practicality. Never deceive yourself that the position is wholly political; educating the next generation is no game. At the same time, recognize that pious pronouncements won't guarantee success in any job. Most importantly, learn to balance idealism and practicality and never fail to appreciate the complexity of relationships with boards of education. Every day presents new developments in this area and effective superintendents must be prepared to meet them.



## H. Planning in the
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## I. Declining Enroll
## in the School Distric

# PLANNING IN THE LOCAL SCHOOL DISTRICT

**Laura R. Fliegner**
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## Introduction

One of the most important functions of the Superintendent of Schools, as Chief School Officer is to ensure the efficient utilization of all of the district's resources in meeting its goals. This presupposes the existence of two sets of data: an inventory of those resources and a definitive set of agreed-upon outcomes. The leader of this enterprise is charged with obtaining a detailed answer to the question: where are we going? (what is our mission?) and how may we best get there? (what do we need, where do we get it, and do we use it most effectively?)

Most of us would never embark upon a vacation without some consideration of our interim and final destinations, our preferred mode of travel, a time schedule, cost estimates, and contingency plans for medical or other emergencies along the way. Yet, many of us lead school districts with multi-million-dollar budgets, hundreds or thousands of employees, in communities where the educational system constitutes the major "industry," without "blueprints" for future decision-making.

## Planning for Success

In researching the relationship between planning and success in the private sector, Cleland (1976) queried 225 companies about their long-range planning practices (planning beyond one year) and found that a larger percentage of successful and profitable corporations used long-range planning, while a low percentage of the less profitable ones did so. In another study, Ang and Chua (1979) sent questionnaires to 500 large United States corporations listed in Fortune magazine. Findings showed that 94 percent of the firms had some form of documented long-range plans. Of those which did not, two-thirds indicated they would eventually do so, and 55 percent had centralized planning functions with a separate planning staff. In a survey of chief school officers from 156 school districts in New York State, conducted by Goldman and Moynihan (1975), one-third of the respondents indicated difficulty in finding time to engage in planning activities. In Colucciello's study (1978) of 36 districts surrounding Albany, New York, it was found that intermediate/long-range planning had not reached a formalized level in most of the districts. There were few districts where a long-range planning budget had been allocated or a written plan completed. In 1978, Jacobsen studied the status of long-range planning in 300 Illinois school districts. It was found that superintendents in larger districts (over 3,000 pupils) and those with earned doctorates were significantly higher in their knowledge of planning techniques, current planning practices, and commitment to long-range planning.

After a review of the literature concerning attitudes and practices in the field, Bozeman (1984) concluded:

(a) most, if not all, recognized writers, leaders and authorities in educational leadership espouse planning as a critical component of the administrative functions;

(b) numerous approaches to planning can be identified—administrators are not without "tools of the trade;"

(c) planning in business and industry tends to be associated with success, profit, and goal achievement; and

(d) planning in educational organizations is, for the most part, limited and short range.

### The Manager's Role in Planning (and Reducing Uncertainty)

In studying the nature of managerial work, Mintzberg (1973) identified six basic reasons why organizations need managers (or why school districts need superintendents).

1. The prime purpose of the manager is to ensure that his organization serves its basic purpose—the efficient production of specific goods or services. (emphasis added)
2. ...to design and maintain the stability of his organization's operation.
3. ...(to) take charge of his organization's strategy-making system, and therein adapt his organization in a controlled way to its changing environment.
4. ...(to) ensure that his organization serves the ends of those persons who control it.
5. ...(to) serve as the key informational link between his organization and its environment.
6. As formal authority, the manager is responsible for the operation of his organization's status system.

These separate managerial roles must be played out in the context of a dynamic world. The school district is a complex organization which seeks to produce results in the face of many uncertainties caused by external environmental factors through the processes of searching, learning and deciding. Assuming its capacity to take rational actions to maximize its success, the organization must be able to identify constraints which it must face, contingencies which it must meet, and variables which it can control. In this way the organization deals effectively with uncertainty (Thompson, 1967).

It may be helpful to delimit the sources of environment pressures by using the concept of "task environment" (Dill, 1958), those elements of the environment which are "relevant or potentially relevant to goal setting and goal attainment." For a school district, such elements may be categorized A: clients (students); B: suppliers of labor, supplies and equipment, work space, funding; C: special interest groups (P.T.A., senior citizens, minority representatives, religious bodies) and D: regulatory agencies (State Education Department, federal agencies, Board of Education).

As educational leaders, we have been placed on the defensive for decades, forced to react to national and international phenomena from SAT scores to Sputnik, from "The Rising Tide of Mediocrity" to Japanese imports. The only certainty we have is the assurance that the path will never be smooth. In a world of ever limited resources and increasing demands, it is essential that we prepare ourselves appropriately in order to make effective decisions in an effort to conserve resources.

The superintendent is responsible for the instructional program, personnel, pupil personnel services, financial and business administration, school plant management and school-community interaction. Whether one is interested in maintaining the status quo or introducing improvements and refinements, factors in the "task environment" referred to above dictate a flexibility of response in decision-making.

## Goal-oriented Planning

The traditional approach to effective planning begins with goal statements or a needs assessment process through which appropriate goals may be created. Clark(1980) challenged the appropriateness of goal-based, rational, sequential planning on the basis of its assumptions.

1. ...it is unreasonable to assume high levels of consensus about goals within organizations.
2. The image of educational institutions as rational bureaucracies might be inaccurate and unrealistic.
3. The linkage and responsiveness assumed by traditional planning is seldom found in educational organizations. They are almost always loosely coupled systems.

To whatever extent this may be true, a superintendent would do better to acknowledge the potential weaknesses in these assumptions than to discard them entirely and be left with nothing in their stead. Whether each individual personally subscribes to each organizational goal seems less important than the fact that organizational goals do exist; that the governing body (Board and administration) is committed to their attainment; that they are universally known throughout the organization; and that sufficient resources are allocated for their realization.

The leader of any school district must identify who will be taught. Through a census and other demographic surveys, the numbers of students and any unique characteristics of the community should be assessed. Population projections to determine future trends (declining enrollment versus baby boomlet) must be created. What will be taught, the instructional program, must be determined. State mandates, local preferences, revised curricula, needs expressed by universities and the private sector all play a part in influencing the design of the educational blueprint. Where education will take place, and how students will get there, fix a responsibility to assess the adequacy of the physical plant at present and in the future. Who will teach imposes the charge to review certification and tenure laws and regulations. Information concerning the availablity of potential staff members, particularly in disciplines which attract too few teacher candidates, or for which special talents are required, must be collected. How the educational program will be financed, present and future, must be addressed. The tracking of federal and state policy concerning financial responsibility for support of public schooling; the wealth of the local community; the property tax; the availability of grants from the public and private sectors; demands of employee groups locally, in the region, and in the profession nation-wide; the health of the state and national economies; all of these are factors which will contribute to the sum total of what kind of program a district can afford. Given the certainty that no one, and no community, can ever plan without regard to monetary resources, a system of priority-setting will be employed. Even if you do not plan for such an activity, it will happen informally, through the action of elements in the "task environment" upon elements within the organization.

## PRIMER FOR PLANNING

### Planning for the Instructional Program

Decisions as to what is to be taught in any school district, and how that teaching is to take place, may be carefully and tightly designed or left to the vagaries of individual teachers. Much of the research emanating from the "effective schools' movement (Purkey 1982) points to a positive correlation between student achievement and the following factors:

1. High expectations for student achievement on the part of school staff members;
2. Strong instructional leadership on the part of the school principal or another staff member;
3. Well-defined school goals and emphases;
4. Control by staff over instructional and training decisions;

5. A sense of order;
6. A system for monitoring student progress;
7. Good discipline.

Only a naive or inexperienced person could suppose that these criteria could be achieved without careful planning and the participation of all "significant parties" in the operation of the school district.

## Planning for Board Members

In identifying the participants in planning it is wise to begin with the school board because its members are charged with setting the direction of the school district through its policy-making powers and responsibilities. Critical to the success of planning is the ongoing education of the board members through a variety of sources; both "in-house" educators (superintendent and other administrators, faculty and staff members), and "outside" influentials who participate in the on-going dialogue about education.

Learning experiences through a variety of activities should be planned for the board members. These may include subscriptions to national and state school board journals, sharing of selected books and articles dealing with matters of concern, attendance at conventions and conferences, and workshop presentations to the board by local and outside specialists. Specific local conditions—a high drop-out rate, a large transient population, numerous students from non-English speaking families, and an interest in education of gifted students—may shape the nature of the information sought and presented to the board. Concerns expressed by institutions of higher education or spokespersons from the business-industrial community may serve to stimulate thought concerning necessary changes in the instructional program. State mandates may dictate revisions in present programs.

Through these activities, it is hoped that board members will come to know about and be stimulated by various points of view concerning curricula appropriate for their school district. Each year, the superintendent should work with the board president in assessing the special needs or interests of the board members in order to plan the board's learning activities for that year. In this way, the superintendent sensitizes and directs the board's attention to new ideas, trends, and future avenues of exploration in developing and modifying curricula.

## Parents and Community Members as Parties to Planning

As the board learns, its members serve as conduits of information to parents in order to explain the significance of the district's movement in one or another direction, to explain the district's mission, and also to gain support for that mission. Formal parent organizations such as PTA may sponsor informational meetings focusing on specific topics of interest, such as the need for a new reading program or the utilization of computers in the curriculum. These presentations cannot and should not be one-way affairs. It is equally important that parents (and the community-at-large) have an opportunity to express their questions and concerns with regard to school district designs. Careful planning is essential; homework must be done as to cost analyses as well as instructional benefits of programs under discussion.

The superintendent must direct a thorough examination of the current state of the district's curricula, and must obtain a comprehensive picture of student achievement. An assessment of strengths and weaknesses should be made, so that the district's overall instructional needs may be better understood. Because it is virtually impossible to address all needs at once, priorities must be identified and a plan based upon these decisions charted. A matrix may be arranged which depicts each discipline on one axis, and stages of curriculum development on the other, drawn out for a number of years, with assessment steps built in to monitor progress. This will ensure that no area is overlooked in the allocation of limited district resources for curriculum development.

Vital to the success of this process is the engagement of the staff. The superintendent's commitment to the project must be total, and each administrator must be given a clear role in bringing forth a major district curricula design. The administration must provide time and resources to the district's teachers in order that they may be involved from the outset in an honest appraisal of their respective instructional areas. They must be allowed and encouraged to attend conferences or visit other districts, obtain articles and books, all of which may serve to stimulate the acceptance of improved methods in teaching. The district-sponsored staff development program should be consistent with the goals established by the school board. The matrix of planned curriculum activities should serve as a guide to the nature of inservice workshops for staff in order to ensure a synchronization of planned areas of focus with teacher education. The allocation of funds for equipment, supplies and materials should be organized around the curriculum matrix; the purchase of textbooks, as well, should be planned for on a multi-year basis to conform to that matrix. As the district creates its long-term and short-term goals, attention should be paid to extra-curricular activity programs for students in grades K-12. Any special trends in student population characteristics or size of student body may influence the range of possibilities. For example, in a district with declining enrollment, it may become necessary to cut back on the array of athletic teams which can be successfully supported. Here, a long-range plan of athletic activities, based upon community preference and student surveys, may help to define priorities and establish which sports will be retained and which will be dropped.

## Planning for Personnel Administration

Once a longitudinal programmatic plan is in place, a review of the demographics of the district is essential, in order to plan for engagement and deployment of staff. Once you know what you plan to teach, and in what years of sequences, a projection of clientele is necessary. How many students will you be serving in three years, in five years? It is difficult to maintain an accurate picture of demographic trends without conducting a frequent, careful census, preferably door-to-door rather than by mail. Knowledge of future housing developments, regional trends in housing sales and prices, and the state of the economy and mortgage interest rates should be acquired.

Changes in state certification requirements, or recent court decisions affecting seniority or tenure determinations must be monitored. An accurate seniority list must be created and maintained. Legal counsel should be employed to ascertain the accuracy of that roster. A multi-year projection of anticipated retirements should be formulated based upon age of employee and other relevant known factors, i.e., the age or status of an employee's children or spouse. The possession by an employee of dual or multiple teaching certification should be noted. If the district has terminated the employment of staff members due to declining enrollment, an accurate teacher-recall list must be maintained to ensure the appropriate re-employment of those eligible. (Even the smallest district can employ a microcomputer to allow for the preparation and continuation of a reliable staffing plan.)

If the district is, or will be, in a position to employ new staff in the near future, it is helpful to gather regional data as to what the employment picture will be on the part of other districts in the area, and what the available pool of newly certified teachers will be. These data should be based upon information supplied by local or nearby colleges and universities. It is also important to assess the district's salary and fringe benefit package in comparison with other districts in the region in order to ascertain the organization's relative "drawing power" in attracting suitable new staff members.

The obligation to renegotiate periodically the district's contracts with various employee-groups requires careful planning. A running list of problems caused by language in the current contract should be maintained so that memory alone does not serve to fashion the district's package of demands in subsequent negotiation cycles. Threatened and actual grievances serve to highlight problem areas of the contract which may require modification. The district's multi-year instructional plan should be reviewed to ensure that provision is made in the district's bargaining position for any contemplated adjustments which could affect terms and conditions of employment as delineated in the present contract. (For example, a contractual prohibition against the employment of teaching assistants in classrooms may restrict the district's desire to engage such personnel in a learning laboratory to be established in the future.)

The longitudinal approach to planning for personnel administration is not limited to the professional teaching staff. It is equally important to address, long-range, the supply of and demand for non-certificated staff members. A sudden precipitous decrease in the number of available bus drivers can turn the district on its ear if children can no longer be transported back and forth to school in a safe and timely manner. Here, too, it is essential to maintain accurate personnel data with regard to seniority rights, retirement plans, etc..

## Planning for the Administration of Pupil Personnel Services

In order for students to benefit from the carefully planned instructional program, they must be enrolled in school. The accurate census referred to above is needed as a basis for a number of functions: (Grieder, 1969)

1. Determining the needed school plant program;
2. Determining school attendance areas;
3. Providing adequate transportation facilities;
4. Projecting the program of educational services the school will need to provide;
5. Enforcing compulsory attendance and child labor laws;
6. Establishing special education facilities such as classes for the deaf;
7. Analyzing the movement of population within the school district;
8. Locating children who move into and out of the school district;
9. Keeping informed about private school enrollment;
10. Procuring information for various welfare agencies, courts and public service divisions of the community.

Conducting the census of students may be helpful in obtaining information which may lead to the introduction of new services to meet special needs. For example, the identification of a significant number of families in which no adult is at home during the day may result in the establishment of a before- and after-school child-care program by the school district. The identification of an influx of families with pre-school children may encourage the formation of special nursery programs or parent informational workshops for those who do not yet have children in the schools, but who will in the near future. Notice of children with handicapping conditions will shape the special education services offered by the district. Within the aegis of the pupil personnel function are the services provided to students by the nurse, psychologist, social worker, substance abuse counselor, guidance counselor, and teacher of remedial instruction. An effective screening of students resulting in an accurate roster of students eligible for "support" services is invaluable in the planning for effective instructional practices and staffing. A knowledge of the relevant state and federal laws and regulations related to the "most appropriate" education of the handicapped "in the least restrictive environment" is vital to overall district planning.

The district must devise a comprehensive testing and evaluation program to measure the progress made by each student, for each grade, and within each subject area. This program must be understood by staff, board members, and the community in order that there may be recognition of successes and shortcomings. This evaluation function loops back into the planning cycle by providing periodic measures of the extent to which district goals are being met.

Planning each student's educational program, particularly at the high school level, is quite important. Given a student's abilities, interests, family situation and future goals, courses of study should also be selected which give the student a reasonable opportunity to succeed. Careful not to "lock a student in" too early in his or her school career, the plan should be re-examined at least annually, preferably in the presence of the student's parents.

High school records should be reviewed annually to analyze the number of eligibles who actually graduate, the number of students who are accepted into their college choice, the percentage of students failing departmental or state examinations, and any other reports that illuminate areas within the school which need revamping or increased supervision. At the high school, as well as at the elementary and intermediate levels, it is important to identify the number of students eligible for remedial services, how early their learning problems are identified, and rate of success in reversing their learning deficits.

## Planning for Financial and Business Administration

The manner in which school finances and business affairs are managed is integrally connected with the quality of the instructional program. Every district has limited resources; it is crucial that maximum utility is derived from those assets. Careful planning in this area often spells the difference between wanting to implement a program, and actually doing so. Effective financial planning relies upon a thorough knowledge of the rules and regulations governing the source of school funding and on careful budgeting practices and record-keeping. A long-range view of the district's financial needs is essential. Inventories of furniture and equipment should be devised. The age and condition of district property should be noted, and a replacement plan over multi-year periods should be developed. Every area of budget should be constructed with a view to long-range planning. Building administrators should be encouraged to frame their requests for human or material resources within the context of long-range planning. The district's accounting system must be up-to-date and financial reporting must be accurate and timely.

Every avenue for increased revenue from state formula entitlements to federal, state, and private grants must be pursued. The district's money management practices must be sound and carefully planned. Periodic cash flow schedules must be constructed to maximize the amount of interest income which can accrue to the district without sacrificing the security and liquidity of the investments. The effective management of the business office itself can result in savings to the district. A job description for each position should be created, accompanied by a manual outlining all the activities within each job. An assessment should be conducted to ascertain whether computerization can reduce staff size or increase the accuracy or speed of reporting and record-keeping. Trends in insurance coverage and rates, safety records, and purchasing policies and procedures should be studied and plans developed to capitalize on possible money-saving practices such as self-insurance, increased risk management awareness, and cooperative bidding with other districts or in a regional arrangement.

The district's business office is usually responsible for student transportation and the food services program. If the district owns its own fleet of buses, an inventory of vehicles including the age and condition of each item should be maintained. A long-range plan providing for the orderly, gradual replacement of vehicles as necessary should be developed. The acquisition of new buses should be tied to district census data. If the student population is shrinking, fewer replacement buses may be required. An inventory of spare parts should be provided to allow for the most economical repair and maintenance program.

District bus drivers should be recruited and trained carefully. Compensation should be competitive to ensure an availability of qualified drivers. The district should investigate the routing of buses by computer in order to gain the most efficient use of the bus fleet.

The food services program in each school should be planned to operate in the most economical manner possible. An examination of centralized versus decentralized kitchens should be conducted, with a comparison of predicted capital costs and personnel needs, to assess the relative advantages and disadvantages of each arrangement given the number of schools in the district, their proximity to one another, and other factors which might affect the transporting of food. The necessity for the number of "sittings" in each school should be analyzed to determine if fewer periods of lunch are possible, thus reducing the number of personnel hours to be funded.

## Planning for School Plant Administration

The daily operation of the plant should be planned and carried out in such a manner as to ensure the cleanliness and safety of school buildings. A careful inspection of each building should be performed in order to provide an analysis of its condition. This will result in the creation of an ongoing, long-term list of prospective maintenance projects to be scheduled on a multi-year basis. Records of energy consumption, water and telephone useage should be maintained and examined periodically to identify problems due to abuse, error or equipment malfunction.

There should be a clear delineation of areas of responsibility in the organization of the plant management program. In this area, as in others mentioned above, employee duties should be specified in job descriptions; manuals outlining their activities should be composed. Studies should be conducted with regard to overtime, and labor-saving devices should be employed in an effort to reduce total working hours. Purchasing of supplies and equipment may be more effectively planned in cooperation with other districts. If an analysis of repair costs reveals the need for an in-house plumber or carpenter, it may be possible to encourage someone on the custodial staff to acquire additional skills in order to advance to a higher position based upon his or her increased contribution to the district. Careful planning and staggered scheduling of personnel should promote the most economical use of the custodial staff in covering activities in the schools, and keeping overtime payments to a minimum. Employee plans to retire, or plans to close a building within the district should be factored into an overall, long-term operations and maintenance staffing plan.

Many districts have found extra dividends in the promotion of evening, weekend and summer utilization of their buildings by members of the community. Many of these participants do not have children in the schools, and these "outside" activities give them opportunities to become better acquainted with the district.

## Steps in Cyclical Planning

In the examination of any area of responsibility within the purview of the superintendent, the use of a system of cyclical planning will ensure a rational method of conserving and utilizing the district's resources effectively. The questions to be answered with such an approach include:

- What are the specific goals of the district?
- Are programs assessed appropriately?
- Once shortfall areas are identified, how are steps toward improvement designed through a process whereby priorities are set? how are options generated? and how are choices are made?
- Is there a long-term plan, with short-term components (study, implement, evaluate) which can be revised as new data become available?
- Is there an evaluation activity which loops back to your goal resetting?
- Is there adequate provision made for the human and material resources necessary for successful implementation of the school improvement cycle?

## Conclusions

Within school districts, careful attention to planning is essential. Only through rational planning, based on adequate information, can a district hope to meet the needs of its constituents in an efficient manner. As has already been emphasized, there a number of essential components of this type of planning. Accurate, comprehensive data must be collected; planning which is based on inadequate or inaccurate information is useless. Specific, reasonable goals must be established; planning must address the specific and rational rather than the ethereal. Participation of all those with roles in the process must be developed; planning does not thrive in vacuums. These critical components can produce real, long-term dividends for school districts and for the superintendents who manage them. By encouraging participation and rational thinking, such planning can produce the positive results which every school leader desires.

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# DECLINING ENROLLMENT
# IN THE SCHOOL DISTRICT

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## Introduction

Much of this paper was drawn from AASA's Executive Handbook Series: "Declining Enrollment - What To Do" by Eisenberger and Keough, published in the early 1970's. In those early years of enrollment decline and school closings when Bill Keough and I wrote that handbook for superintendents, the suggestions we offered came from the pages of personal experiences on the firing line.

Now, more than a dozen years later, the basic material is still viable and pertinent for superintendents who need to formulate plans for growth, stability or decline. Building schools and closing schools are two sides of the same coin ... only one is more difficult than the other.

For those administrators who built schools in the 60's, closed schools in the 70's, and are now managing stability - the promise of growth again will be a welcome respite from some very hard years. I use the term "respite" because this surge in numbers is just a wave in a sea of enrollment stability over the next 25 years. This wave, or increase in enrollment, will be of short duration - maybe 5 to 10 years - followed by a return to lowered and more stable enrollment numbers.

Underlying this wave of increased enrollment is a fundamental shift in our society's social currents. A decreased fertility pattern for women has lasted for more than a decade. The fertility rate in 1976 was 1.76; today it is 1.8. Most demographers believe it will not change through the year 2000. Even though the numbers of women of child bearing age increase, and the birth rate (the number of babies born) increases, it is ultimately fertility that sets the stage for school population growth and decline. Once this crop of "baby boom" parents produces its one-child family norm, we will have to rely on the "baby bust" parents for school-aged children.

In the wind, however, is growing pressure for child care in the schools. It is highly probable that in the very near future schools will absorb the care of preschoolers, boosting enrollment numbers considerably.

Ahead for school administrators is the teacher shortage. A concern of considerable proportions given the current level of teacher retirements, the legislated requirements in special education and class size, the reduced numbers of teacher-trained college graduates, the shift in career patterns for women, the less-than-attractive salary levels for teachers, and the rung on which teachers sit in society's status ladder. A teacher shortage is inescapable given these current trends.

I hope this paper proves valuable for those in New York State facing re-organization or decline. The material comes from a decade in the trenches of decline; Bill and I offer it with the spirit of courage, faith in our fellow colleagues, and the hope it proves to be useful.

## ENROLLMENT PREDICTION

Today, more than ever, school administrators are acutely aware of the need for proper long-range planning to meet the needs of education in cost-conscious communities. Without careful enrollment planning there can quickly emerge half-filled classrooms, surplus teachers, and needless expense. However, when plans must be devised calling for projected school enrollments to warrant school capacity operating levels, the school administrator is confronted with another problem. How many children can be expected to attend a school in a particular location over the next five to ten year period? In other words, what is the school enrollment forecast? Up, or down?

Forecasting methods are numerous and are known by a variety of names . . percentage of retention, Cohort-Survival, and many others. While each method has merit, all are basically oriented toward live births and historical retention rates. In other words, they deal primarily with predictions of up to five years.

There is a simple do-it-yourself technique which can help to spotlight an enrollment trend long before the magic numbers will appear as statistically significant. The Keough Indicator Survey Scale requires the administrator to critically analyze his/her schools and the community and to draw some conclusions based upon social, financial and residential factors. Some of the significant community indicators are found in answers to the following questions.

### Community

- Is your community close to or bordering a metropolitan area?
- Did your community develop as a result of the population expansion within the metropolitan area?
- Is your community considered an advantaged area, with high-priced homes which are rapidly escalating in value?
- Does your community house a high percentage of professional people or older people whose homes fulfill their lifetime needs and whose children are now passing through or have passed through the local district schools?
- Have the service groups (YMCA, boys and girls clubs, church and temple social groups) been planning less emphasis on younger children due to an apparent lack of interest? Is the degree of interest really one of diminished numbers of school children within the district and increasing adult numbers? In other words, has the emphasis shifted to adults because they now outnumber student age groups?
- If your community has a highly reputed school system in spite of high priced homes, will that good reputation still attract young families?

- Does your community have a high level of mobility, with families moving in and out? (And who's moving in -- families with children, retirees, or young professionals without children?)
- Are there pockets of middle income housing providing access to the district for young families and subsequently, for elementary school aged children?
- Is there available land for residential development?

If you answered "yes" to the first five items and "no" to the remainder, these indicators can lead to an assumption that enrollment stability is ahead. In addition there are further considerations that should be examined in connection with the schools themselves.

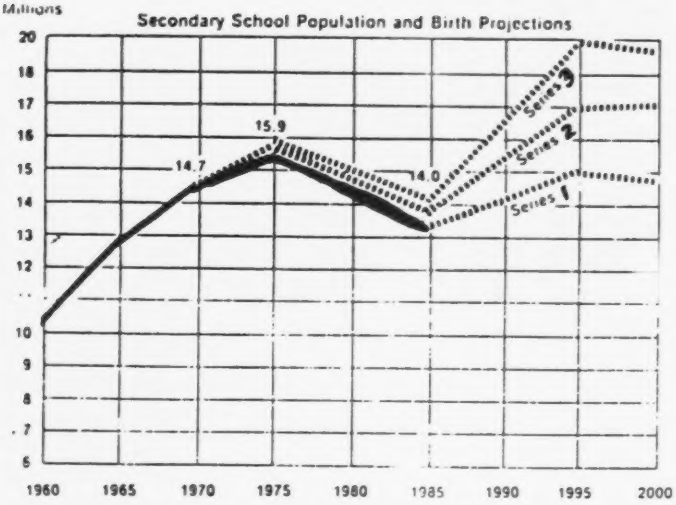
## Schools

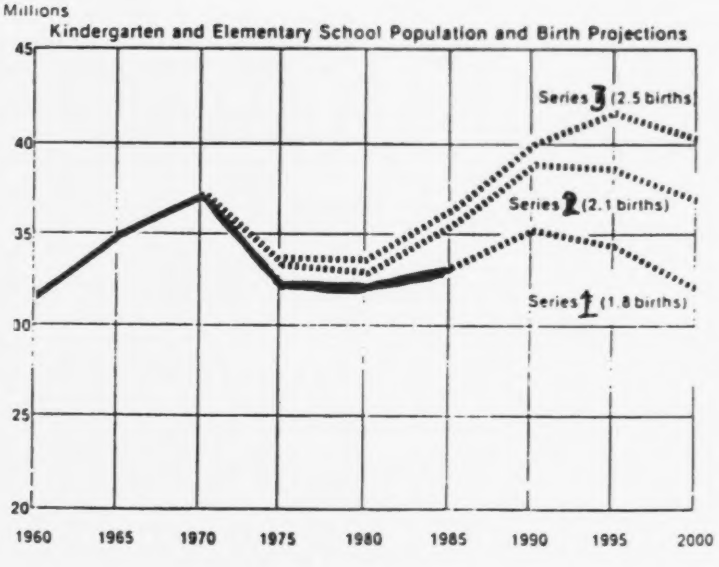
Enrollment estimates can usually be developed up to five years from the present through the use of statistics on live births in any given year. Raw birth data will generally give a rough estimate of the number of children who will later come to school at five years of age.

When using raw birth data for enrollment prediction five years hence, in/out migration ratios should be also taken into consideration. How many of the children born five years ago are still in the community and are now attending kindergarten?

The Cohort Survival Technique estimates future enrollment by setting up a retention ratio of the number of children moving through the grades in previous years.

The accompanying graphs project births through the year 2000.


Secondary School Population and Birth Projections


Kindergarten and Elementary School Population and Birth Projections

What does all this mean in terms of school enrollment? If we follow the Series 1 projection, which has been on target for 15 years, elementary school enrollment will continue downward through 1985. Even though the graph shows a birth increase in the years 1980-85, it must be remembered that these children will not be in school for another five years. In terms of classrooms and teachers, there will be no appreciable increase seen until the mid 1980's. In secondary schools, this decline will be severely felt in the 1980's and continue through to the 1990's.

While these projections indicate an upward swing after 1985, other factors within each community may change these projections in that area. Historical bases for retention ratios are derived from local conditions. Periods of growing ratios, when first year school children exceed the number of births five years earlier, should not be averaged with years of decline. This applies when districts attempt to set an average retention (birth to first grade) ratio over a multiple year period.

In the late 1980's and early 1990's, enrollment forecasting will be a tricky business. All the old projection methods are based upon "pure situation" ratios of children per home, births to grade one, and the undergirding tenet that older families will move out, making way for younger families to move in. However, social, cultural, and economic changes have shot holes in these once reliable ratio techniques and basic tenets. Today's young families are producing fewer children per home. They are planning their parenthood, waiting longer, and having fewer children. Older couples, skeptical of economic conditions, are not moving out of their homes. Even if they did, tight money often prohibits younger couples from buying in.

In the past ten years demographic research has produced some interesting observations about fertility:

- as total family income increases, fertility decreases;
- as female labor force participation increases, fertility decreases;
- as a woman's level of educational attainment increases, fertility decreases.

## Other Factors

Before making plans for expansion or contraction of schools, look for the possibility of major shifts in residential building patterns. An apartment complex of three and four bedrooms per unit will alter enrollment projections. On the other hand, single or two bedroom units will not appreciably change the enrollment picture.

Analyze vacant land and possible building sites for the number of dwelling units that could be built. Careful attention should be paid when using the method of projecting the yield from such sites by comparing it to the number of children from similar kinds of housing already in the area. Social and cultural factors operating in today's world have lowered the ratio of children per family from just a decade ago.

Evaluate employment trends in the area as school enrollment may frequently be affected by industry moving in or out. Major industry layoffs can drastically decrease enrollments, while industry relocation and/or expansion can bring an inmigration; thus escalating enrollments.

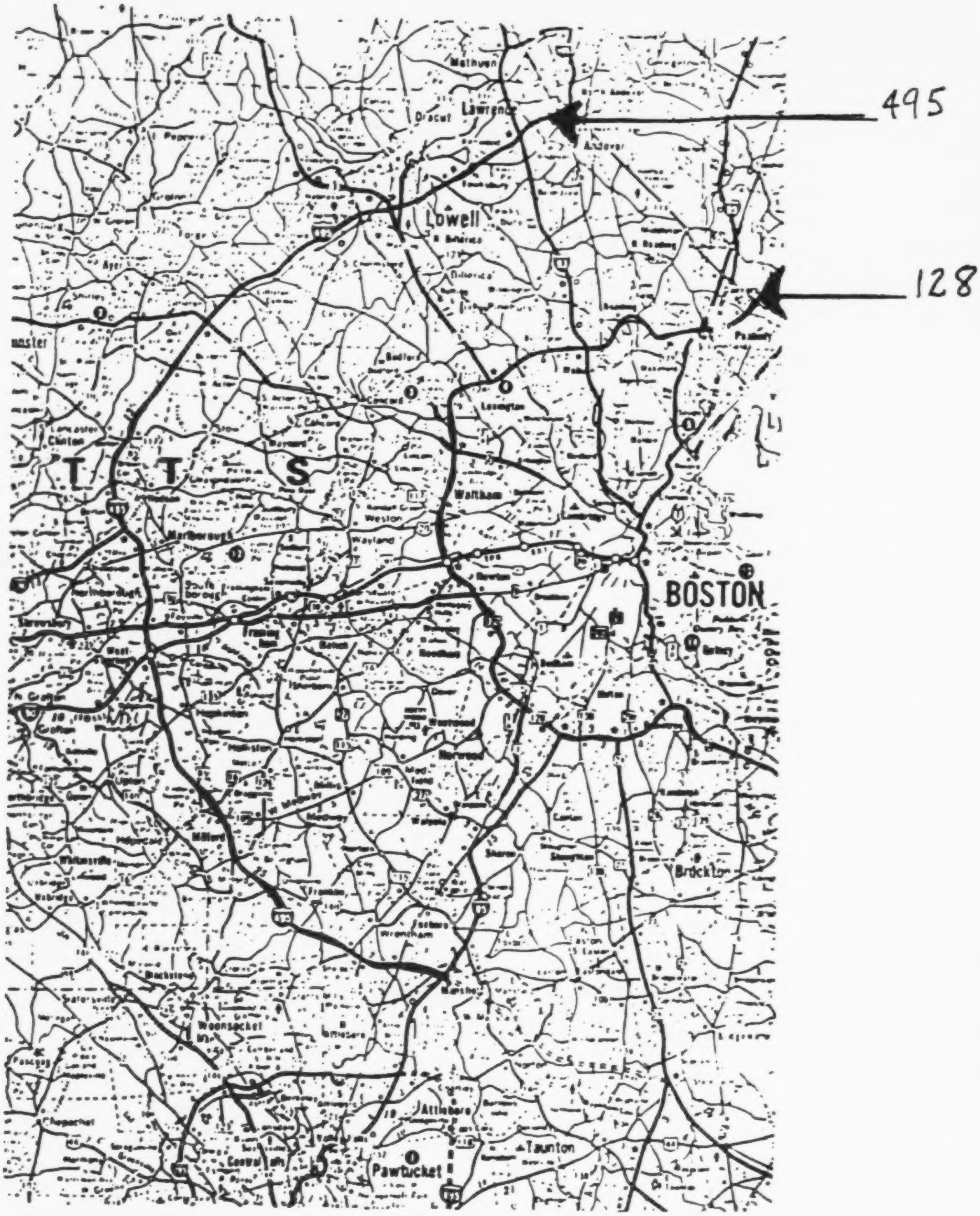
It is important to know the social-cultural background and age range of a community, as they will provide added information for enrollment projection. As neighborhoods change and different socio-economic groups move in, houses may become multiple dwelling units and the population may increase four times over its previous level.

New highway construction may have two diametrically opposed effects. One, the elimination of homes in the construction path, can result in lowered enrollments, or two, the connection of a lesser developed area to job centers, brings it within easy commuting accessibility thereby producing homes and children.

A prime example of the impact which a major highway system brings to outer metropolitan areas is the growth period immediately following the construction of Route 128, the circumferential highway built 15 miles from the center of Boston. The major portion of this highway was completed in the early 1950's; the period of major school building construction in the Route 128 towns paralleled the expansion along the new beltway.

Similarly, within the past few years, a second ring perimeter highway was built 10 to 15 miles beyond the 128 belt. This new highway, Interstate 495, has linked formerly remote towns to major industrial/business employment areas. The growth in these previously rural towns has skyrocketed and schools are still being planned and being built. This growth is not considered to be related to population expansion, but rather to the attempts of younger families to reach out to property not yet inflated by the times.

The accompanying map depicts suburban growth rings around the urban area. The communities bordering Route 128 are feeling the impact of declining school enrollments. They have all the characteristics of "climax" communities (see chapter on Community). The second ring communities, building up along Interstate 495 are growing and expanding. These school districts are building schools and struggling with overcrowding.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1. What simple prediction method is the most reliable today?

   Answer: There is no "most reliable" prediction method. The best insurance is to use a variety of techniques to check and doublecheck each other. The Keough Indicator Survey Scale (KISS) should be used to begin any analysis.

2. Why will there be a continuing enrollment decline or stability in view of the fact that the number of women of child-bearing age has increased?

   Answer: The important factor is not the number of women of child bearing age (15-44 years), but whether or not these women, in actuality, bear children. While the number of women has increased dramatically, proportionally, the number of births has shown only marginal growth.

3. What is a demographic survey?

   Answer: A demographic survey of the school district includes a thorough census of the population determining who the people are, their living conditions, how many there are, how they intend to use the land, their length of residency, the number of children per household by ages and grades, and the various kinds of dwelling units found in the district.

4. What are the advantages of a demographic survey?

   Answer: By combining the information from a demographic survey with in and out migration rates, school attrition rates, and the number of live births it is possible to make enrollment projections beyond the conventional linear model. This type of information gives the forecaster the tools with which to project more accurately by "feeling the pulse" of the district.

5. What are the disadvantages of a demographic survey?

   Answer: The two major disadvantages are costs and the time limitation on the utility of the data. The major costs will be for the personnel involved in planning, organizing, and administering the survey, processing the data, and analyzing the results. Additional costs will include computer time and supplies. In regard to the time limitation on the utility of the data, unless supplemental surveys are conducted, the lifetime of demographic data usually does not exceed five to ten years. This time limitation may be considerably less in a rapidly changing community.

6. What kind of district would benefit most from a demographic survey?

   Answer: In districts where enrollments are significantly fluctuating or are changing in a non-linear fashion, the benefits gained through a demographic survey will probably offset the cost involved.

7. What specific outside community factors should be taken into consideration when evaluating enrollment projections?

Answer: Transportation, movement of industry (in-out), changes in zoning regulations, change in subdivisions regulations, changes in government or military installations (opening or closing), urban renewal, subdivision of large land holdings (farms, estates), highway systems.

8. Will the Keough Indicator Survey Scale (KISS) predict enrollment figures?

Answer: The Keough Indicator Survey Scale (KISS) is an informal instrument designed to help administrators pinpoint community factors that have slowly developed in shrinking enrollment communities. It will predict trends, it will not yield numerical figures.

## BUILDING SCHOOLS/CLOSING SCHOOLS -- Two Sides ... One Coin

School building closings, while appearing to be a routine, statistics-based, economics/facility problem, will ultimately demand the utmost skill, care and effort in the area of human relations.

Administrators intuitively know that it is easier to build a school than to close one down. Building construction implies growth and expansion. A community's need for schools is a symbol of its youthfulness and vitality. In suburbia, when schools were being built, parents were young and on the threshold of their family lives. It was an era of promise and fulfillment in the goodness of the American way of life. School openings were events in which parents and teachers took pride. They developed a real proprietary and provincial interest in their own school.

Today, in these same communities, the closing of a school marks the passing of the years. Children have grown, parents have lived through their younger years, and are now approaching middle life, a fact many communities in mid-life crisis are reluctant to face.

In suburbia, these communities seem to have some common characteristics. They are relatively affluent, non-urban havens lying on the perimeter of Metropolis, USA. Over the past 25 years, rapid land-value escalation has produced high-priced homes which are, in today's market, financially out of reach for most young couples just starting domestic life. These communities have little land available for new development; most have been developed to capacity. Construction of middle or lower-middle income housing in these areas is not possible. The net result is a low mobility, middle-aged community with a low turnover of homes and few young families. Children have passed or are passing through schools, which has resulted in a consistently declining or stable school enrollment.

As these districts go into contraction and schools close, what will be the major concern of suburban superintendents? Employee contracts, reduction in force (RIF), buildings, budgets, and individual school geographic zones, will be time-consuming and enigmatic problems, but the major concern will have to be the people involved in school buildings closings — parents, teachers, principals, children, and the board of education. All have contributed in the past. All have a stake in the future.

## Parents

Our schools hold a unique position in the American way of life. For decades, thousands of American parents in communities across the country have looked toward the local school and school-related activity as an avenue for meaningful involvement. This purposeful participation with local school principals, teachers, and other parents is not only the undergirding of our American educational system, but a primary source of personal fulfillment.

The staunchest school supporters and most zealous educational advocates are the parents who have spent long years building good personal reputations in the local schools. These parents have, over the years, carved out a sphere of influence and general acceptance of themselves and their school-age children. They have expended personal resources at P.T.A. functions and other school activities. They have volunteered in the classrooms and headed up the after-school activity clubs. They have provided an investment of time and effort while simultaneously reaping a harvest of fulfillment in terms of their needs.

When parents view local school closings, what they see is the threat of losing this personal investment and having to begin all over again the process of building reputation, influence, and acceptance in a new school. Once a tie with the local school is established it is difficult, at best, to sever it. Few parents will relinquish a solid position in their local school and willingly step out on the unknown ground of a new arena without first putting up a fight.

When parents block rationally presented school closings they are not always fighting to save a building, they are sometimes trying to preserve a unique source of satisfaction and the results of their past efforts.

## Children

Children are affected by school closings in many ways. Like their parents and teachers, they too, will be apprehensive of the changes they will meet in the new building — the possibility of a new principal, the unknown teachers, and its "already-there" children. Changes, too, appear in rules and routines — schedules and the "system". Children will need to "psyche out" this new system.

For children who have gone to school in their local neighborhood, the prospect of being transferred to another section can be intimidating. Frequently, even when youngsters accept longer bus rides, anxious parents can transmit concerns about being farther away from home.

Transfer to another school may also separate long time friendships among children. "What if John, my best friend next door, isn't in my class?" is a typical child concern.

### Teachers

Just as parents and children are concerned and motivated by human needs, so are teachers. Teachers resist a school closing because it can mean the cold reality of the loss of jobs. It will mean that younger teachers will be the first to go. But that is only part of the problem. For those teachers who will be transferred, it will mean that they, like parents, will have to begin again to establish themselves in a new setting.

They will be concerned about their acceptance by the new neighborhood, their acceptance by the existing faculty and staff, and their acceptance by what will probably be a new principal. Most teachers build close personal friendships among their staff peers. These will be dissolved when the school is closed and the faculty dispersed to the remaining buildings.

While these concerns may appear inconsequential when one is viewing the problem of school closings from the district level, they are terribly important on the teacher level. They are important because they represent a major disruption of the comfortable and the known; because they demand new learnings and tests of self; and because they are all brought about through decisions made for the individual instead of by the individual.

### Principals

Principals and other administrators will not always be 100 percent behind a school closing effort. They have much to lose and little to gain. Principals may be losing all or part of a staff with which they have developed a working rapport, a staff which recognizes and acknowledges their sense of priorities in curriculum, building behavior, and instructional style. In effect, they run the risk of having to create once again a reputation should they be the administrators transferred to new schools and new staffs.

Most threatening is the possibility of being an "excess principal". Transfer to another building may cause principals to leave behind unified and mostly supportive parent groups and student bodies that are known to them through their previous experiences with older brothers and sisters.

What will principals gain from a transfer? They may be assigned new responsibilities which will mean reams of paper work, reshuffling of materials and equipment, an unknown student body, faculty members that are new and possibly resistant to them and to each other, and an anxious and potentially critical parent group.

## Boards

Parents, teachers, principals — all are affected by the need to establish and maintain a good reputation. Board members, in particular, expend considerable energies protecting the leadership positions they have built as public officials. The crucial test for board members is the very real and obvious public vote. Failure to gain re-election is a publicly-stated loss of confidence in the board member's ability to deal with crucial issues affecting the school and community.

Consequently, when public issues represent a threat and may well signal the beginning of the end, school board members find themselves encountering increased harassment over the backyard fence, in the supermarket, in the office, and at home. Such overwhelming public pressures may make school board members waver during periods of critical decision making.

All of the above depicts the subtle, but realistic feelings of various school district subgroups. While hidden anxieties seldom surface as voiced concerns, they tend to add their weight to the burdens which build and collectively inhibit implementation of school closings.

Complex and sometimes conflicting community forces will demand different techniques depending on variables of time, past events in the district, population mix, and school board acceptance with both voters and faculty. Other school districts have been successful with their constituencies by using a variety of public information procedures. The most successful of these are described below.

## Community Polls

Surveying the community through a voter-list mailed questionnaire, randomly-selected face-to-face interviews, or the use of telephone interviews offer direct channels of communication. The major advantage of community surveys is that they build rapport, they say to the community, "We are interested in your thoughts". Polls gather valuable data, and they also allow time for letting people gradually become adjusted to some realities the school administrator lives with daily.

If any form of survey is used with the community at large, it is imperative that faculty, staff and students also be polled. Otherwise, it would be easy for this segment to assume that the superintendent and board are really only interested in the taxpayer and not in those most directly involved in the schools, that is, teachers, non-professionals, and students.

### Neighborhood Meetings

Twenty years ago when the push was on to pass a bond issue for building the schools which are now being closed, superintendents, central office administrators, board members, principals, and teachers were out in force attending neighborhood meetings with small groups throughout the community. Most successful bond issues were a direct result of the personal contacts made when school people got out into the community.

School people, "the insiders", are the chief sources of information about the schools for community members, "the outsiders". Outsiders know what the insiders tell them. The same push for "getting out into the community" is just as necessary now, if not more so. But now, a different and more difficult message is being conveyed.

When schools were being built the community was youthful, vibrant, and growing. People were on the threshold of their family lives. They were young and the need for schools was a symbol of this youth and vitality. Now, the exact reverse is true. The community has aged, has seen its children grow, and school closings are symbolic of the passing of a community's younger years.

A school closing says, in effect, "Our community's productive surge of youth is over and we are approaching the middle years". Reluctance to face this aging can be blamed, in part, on our country's youth culture orientation.

The message that must come through now is that while school buildings may not be needed for children, they are needed by the community for other, equally purposeful uses. Administrators and boards need to fill this void for a community with purposeful action alternatives. This can only be transmitted through personal contact. Of all the techniques available, the personal touch afforded through small group coffee sessions is the most effective.

### Visits

The unknown is most threatening only when it remains unknown. The move for teachers and pupils from a comfortable, known school to one across town can be fraught with anxiety. This can be inevitable unless there have been previous experiences with this new school to help ease the move. Early in the planning stages of closing schools, teachers should be given an opportunity to visit the other schools in the district. To avoid the negative aspects of having teachers "check-out" a school after their announced transfers, these visit opportunities can be constructed through a professional development exchange program among the district schools.

In some districts, long-range planning permitted massive teacher exchange programs to be instituted long before the issue of school closings was patently evident. Teachers on the same grade level exchanged places with their counterparts in other schools for a week or more, or in some other way became acquainted with other principals as well as other parent and student groups. In this way, they became familiar with other faculties, and began to build rapport and friendships outside their own schools. These beginnings often paved the way for the unavoidable transfer two years later.

Students, also, need to have natural opportunities to visit other schools in the district long before closings are announced. Whole class exchanges and interschool projects are ways of allowing students to see and be a part of, what may be in a relatively short time, their new school. While these visit programs may be costly in terms of pupil transportation and scheduling now, they will be worth their weight in positive people feelings when the closing occurs and the child describes his new school to his parents by saying, "That new school wasn't so bad, I had fun there last year when we exchanged classes".

## Simulation Experiences

Perhaps one of the most difficult tasks facing school boards and administrators when dealing with school closings is determining where to begin and how to proceed. Unfortunately, they have only one chance at making the right decisions when the problem is upon them as a reality. When using a simulated experience or case study approach, however, they can decide and revise these decisions many times over.

A case study from another town allows board members and administrators to view the process dispassionately, to voice opinions without fear of constituent disapproval, and to move through problem-solving behaviors in concert. Frequently boards are hampered in their efforts to work as a team because just as they begin to act together, members leave and new members come on. In addition, just at these times of turnover, they are forced to deal with highly-charged emotional items. These, and many other factors, often impede board solidarity. Simulations, however, provide an opportunity for a meshing of opinion in a relatively short period of time concerning an item from which personal involvement has been largely removed. Such an activity helps to lay the groundwork for unity and to develop a background of common experiences which will be needed to deal with the local problems of school closings as they arise.

## Task Forces

The establishment of a Task Force of lay citizens as an advisory group is an essential ingredient of any school closing effort. In the confrontation over any issue, active parents with a strong point of view will surface and align themselves naturally. It is much wiser to seek them out from the beginning and help to guide their actions by providing accurate, up-to-date information, rather than to have them insisting upon a search through old board of education minutes for statistics which substantiate their own point of view and cast doubt upon seemingly arbitrary board action.

Task Forces provide a direct line into the community. They serve a school system best when they are given opportunities to be involved in the decision-making process. People tend to support what they had a hand in creating.

All too frequently and unfortunately, Task Forces are extensions of individual school board members' views. The success of any Task Force is contingent upon the open-mindedness of its members, and their ability to analyze facts and make recommendations free of bias and unencumbered by public pressure.

A Task Force which is to examine possible school building closings must represent not only parents and geographic areas of the district but individuals with expertise in governmental, social service, commercial, real estate, and other areas. If a school committee is to seek community advice, it must respect its responsibility to obtain the best advice available. Advisory groups which too readily provide consensus, prior to full examination of all facts and alternatives, simply serve to waste the time of administrators, school boards, and the general public. A Task Force which is conscientious and demanding could well be a boon to a harassed board of education.

Questions and Answers

1. In what order should these techniques be used?

   Answer: The first step is to make certain that enrollment projections are reliable. Once it has been established that decline or stability will be a reality, the school board must be fully apprised of the situation and its ramifications. At this time it is necessary for the board and the superintendent to begin to set a plan of action. Simulation experiences or case studies of other districts who have gone through enrollment decline should be used.

   If the PTA organization does not have a central council made up of each school's PTA President or representatives, the superintendent should encourage the formation of such a council. This central group could play an integral role in the superintendent's communications network in the years ahead. Astute administrators recognize the influence of this group's members and make every effort to gather its force under the district's umbrella. The superintendent who is well considered by the PTA has a great advantage in school-community relations, even in a time of unpopular, difficult decisions.

   At the same time, long before school closings are even considered, the administration should push for a district-wide professional development program of teacher visits. The assistance of principals and teacher organization leaders should be enlisted to encourage this kind of teacher sharing and cooperation.

Most teachers will be eager to switch with their counterparts in other schools. This effort needs to be administratively supported in the form of teacher time off for joint planning. Not only will it accomplish the specific goals of exposure and familiarity with other buildings, it will generate enthusiasm and a renewed interest in curriculum planning and design. The direct effects of visitation programs in teacher renewal and on education in general are so positive as to warrant their inclusion in every district's professional development program.

The above techniques should be implemented and well under way before the superintendent feels the need to move into small group coffee sessions. The purposes of meeting in coffee hours are to carefully disseminate the facts about enrollment decline, to firmly establish himself/herself as a credible and concerned administrator, to fix securely open channels of communication and to assure a firsthand awareness of the feelings in the district.

As soon as the community has become fully aware of the declining enrollment problem and possible school closings, concerned interest groups will begin to clamor for attention. It is at this moment, when unrest is just beginning, that the superintendent should announce the school board plan to survey the community. Timing is of the essence. If the announcement is made too soon, it will lose its impact. Adroitly timed, it will surface as a direct administrative action to meet community needs; if it is made too late, the unrest will have grown into mistrust and full scale rebellion.

During the weeks of community polling the superintendent should be gathering names of capable people who are interested in serving on the Task Force. Task Force members will evaluate poll data and make recommendations to the superintendent and board.

This simple time line touches only on community aspects.

Accuracy of Projections Checked
Information Board Meetings
Simulation Experiences
Plan Set
PTA Council Formed
Visit Program implemented
Coffee Hours
Poll Announcement
Polls
Task Force Organization and Schedule
Task Force Report to Board
Board Hearings and/or Decision

2. How can the superintendent communicate school district needs?

Answer: Many districts have hired public relations specialists to help the superintendent and board outline a solid communications program. Effective communications are essential for the well-being of any leader. The costs of PR professionals are well spent in the long run. In fact, almost any size district today vitally needs a competent communicator to assist in the administrative management of the district.

3. How can the superintendent with a tight budget communicate school district needs?

Answer: Begin by outlining the types of media available: TV, radio, newspapers, newsletters, face-to-face, questionnaires, billboards. Evaluate the message and the media best suited to communicate that message.

TV and Radio — both forms provide opportunities for the superintendent or board members to communicate district concerns through interviews, forums, or panel discussions. Since the target audience is parents, it is wise to include students. Superintendents should be cautious not to fall into the all-too-easy trap of delivering a lecture or monologue. Panel discussion of district priorities with student leaders is particularly effective.

Newspapers — probably the greatest source of district support can come from the local press. If the press is provided with an up-to-date honest account of events, it will not need to resort to investigative reporting. Inform the press of your plans, hold off-the-record background briefings, and work with it by giving personally of your time for special "private meetings". The press can be either your greatest ally or most destructive enemy — it is up to you to decide which.

Face-to-Face Meetings — informal coffee hours allow for the give-and-take type of dialogue which contributes meaningfully to a real understanding of district needs. In small groups, administrators can explain details, clarify rumors, and build confidence through a personal rapport. One district set aside a two month period during which all building administrators worked half of the day at school and were responsible for coffee hour meetings at night. This should not be attempted without careful administrator training sessions. Coffee hour communication techniques are learned skills; don't send out unprepared and untrained administrators. The result may be the opposite of what you expect or desire! Public meetings are another form of face-to-face communications. If it is designed to be a meeting for explanations with questions and answers, be cautious; large groups do not lend themselves well to this type of communication. It would be wiser to run coffee hours first, then a public hearing.

Questionnaires — direct mail survey questionnaires can be designed not only to gather information, but also to disseminate it. Carefully phrased questions can suggest the ways in which the district is moving; and can obtain feedback on these plans. Questionnaires can also help to pinpoint exactly what the community does and does not understand, thus allowing the district to concentrate its efforts into explaining what the community doesn't understand.

Newsletters — newsletters are regular fare in most districts. For important messages a special issue should be constructed using a different color paper and print and a unique format. It should stand out as a "special issue".

Theater Marquees — some districts have utilized friendships with theater owners and hotel/motel managers who, in their desire to display community sensitivity, have provided access to available space marquees. Managers of off-season drive-in theaters may also provide marquee availability.

Billboards — this technique has been successfully employed by big business for years. It is not outlandish for a multi-million dollar school system to take on the communications techniques of other multi-million dollar operations.

4. Who should be on the Task Force?

Answer: Members of the Task Force should include a cross-section of citizens in the community who have awareness of neighborhood and community interests and concerns. Furthermore, members of this Task Force should be citizens with not only an interest, but a stake in guaranteeing community cohesion in difficult times. Efforts should be made to include representatives of business community, legal profession, labor unions, municipal government, teachers organization, principals, leaders of the parent-teacher association, real estate brokers, religious organizations, representatives of citizen and civic improvement associations, and citizens who through their unique daily contacts talk to literally hundreds of other citizens (gas station operators, appliance repairmen, policemen, sanitation workers).

5. Should members of the Task Force be appointed?

Answer: To avoid a rubber stamp committee of the school board, it is recommended that while some members of the Task Force should be appointed, the majority should be composed of individuals who have volunteered their services and whose record for service in the community is reputable.

Whenever a public issue of conflict arises, citizen leadership will emerge on all sides of the issue. It is more prudent to include such leadership within a recognized and regularly formed group that will have access to factual information, rather than allowing them to feel the need to rely on multiple outside sources which may sometimes be unreliable.

6. Should the Task Force be given a specific charge?

Answer: The Task force should be given a specific charge, clearly defined, rather than be asked to study nebulous areas not necessarily associated with the final decision.

7. Who should conduct Task Force meetings?

Answer: The Task Force should receive guidance and data from the school administration and from the board of education. However, the membership of the Task Force should determine the process of operation which it will employ as well as the leadership it will follow.

8. Who should conduct meetings in the community?

Answer: In the larger suburban and urban school districts it is not feasible for the superintendent of schools, personally, to plan on taking a major role in the community and neighborhood coffee hours program. The most valuable resources available to the superintendent are the building administrators. These administrators, when carefully briefed, provide invaluable communication services for the superintendent and the community.

In smaller, suburban districts, the superintendent of schools should be available for a community coffee hour program. In urban and large suburban areas, members of the board of education can also become helpful by visiting with business leaders in coffee sessions. In smaller suburban areas, where school board members sometimes assume more prominent roles in the community, members of the board of education can also become participants in coffee sessions, not only for business leaders but also for the neighborhoods.

In all circumstances the superintendent of schools needs to meet continuously with building administrators and board members who may be serving in a coffee hour program. As the community information process accelerates, the superintendent will need to guarantee a continual updating for principals and school board members. As more data becomes available it becomes most important that these individuals be kept fully informed.

9. Where in the community should neighborhood meetings be held?

Answer: Meetings can be held just about anywhere in the community where a social gathering can take place. They may be assembled in the kitchens and living rooms of PTA leaders; they may be held in the social rooms of churches; they may even be held in the eating rooms of senior citizen projects or school cafeterias. Every attempt should be made during such coffee sessions to ensure that the groups pulled together are small and intimate and not so large that interaction is impossible.

10. What steps should be taken before instituting a faculty inter-school visit program?

Answer: Every attempt has to be made to enlist principal support. Without principal support inter-school visit programs will not produce the desired results. Principals should encourage such exchanges and put administrative effort behind organizing the program in such a way as to make its operation easy. Teacher time off for joint planning, follow-up sessions, and materials exchange should be provided.

11. What method of polling yields the most reliable results?

Answer: Research has shown that face-to-face interviews by professional pollsters are the most reliable forms of survey.

12. If professional pollsters are not available, can volunteers and non-professionals conduct face-to-face interviews?

Answer: The face-to-face technique, when used by volunteers or non-professionals, can produce a statistically valid survey. However, careful training should be given to those who will do the interviewing. People tend to say what they believe people want to hear, and non-professionals need to become adept in hiding their own points of view.

13. Suppose the district cannot afford professional pollsters?

Answer: An alternative is telephone interviews. They are quick, economical, and offer the opportunity to get detailed answers to open-ended type questions that could not have been asked in a mailed questionnaire.

14. Who should conduct telephone interviews?

Answer: Telephone interviews can be conducted by volunteers if they have received training beforehand.

15. What about mailed questionnaires?

Answer: The quickest and easiest type of polling is the mailed questionnaire. The use of mailed questionnaires can be considered representative only if 80 percent or more are returned. Telephone follow-ups, second mailings spaced a week apart, use of colored paper, and self-mailers are some additions which seem to produce a high return of questionnaires.

16. Should everyone in the community receive a mailed questionnaire?

Answer: Not only should questionnaires be mailed to the general voter list, school personnel, faculty, and staff should receive an opportunity to respond.

17. Who should design a mailed questionnaire?

Answer: When district funds allow the use of professional questionnaire designers, the use of such professionals should be employed.

18. If the district cannot afford a professional questionnaire designer, what general guidelines should be followed?

Answer: In questionnaire construction, the reasons for conducting the survey should be clearly identified. An outline of the problems to be solved and the questions to be answered should provide a solid foundation for survey construction. Careful consideration needs to be given to the order of questions. Initial questions should be designed in such a way that they will not appear to be too specific, irrelevant, or threatening to the respondent. Begin with general non-emotional questions and move to the target areas logically and in sequential order. A commonly used approach is to start with the past, move to the present, and then to the future.

The questions themselves may be either "closed" or "open".

The National School Public Relations Association (1973) notes that the "right" questions are those that produce the information sought. "They are readily understood, logically sequenced, and there are just enough of them to direct the board and administration into a course of action they intend to take." The Association offers a number of practical suggestions, including the following pointers: avoid negative questions; do not assume the public knows what is being talked about; skip questions that can be answered without surveying, especially if they might put the respondent on the defensive. Avoid "iffy" questions. Do not slant questions to produce favorable answers. Do not use the survey as a sales program. Phrase the questions clearly, avoid jargon, and keep sentences short. Keep the survey short to avoid being overwhelmed by the data.

19. How and why do you build information into a questionnaire?

Answer: Information can be built into a questionnaire so that it will produce community education as well as input. One technique is to provide clarifying statements before asking a question. For example, if you are interested in having the community gain information about a year-round school plan, precede the question with a brief statement about such a plan.

20. What steps should be taken before polling the community?

Answer: Prior to any poll of the community, the community should be informed of the purpose of the survey. In addition to this, the organization doing the polling should establish a very specific system for collection of the material, for organization of the material, for maximum utilization, and for dissemination of the results.

21. Who should run public meetings?

Answer: The sponsoring agency should take primary responsibility for the organization and operation of public meetings. If the Task Force is having a public hearing in any particular section of town for information gathering purposes, the chairperson of the Task Force should be in charge of the meeting.

Should there be a public meeting, sponsored by the board of education, for the purpose of either hearing a report of the Task Force or hearing from citizens, the chairperson of the board of education should conduct the meeting. During such meetings the superintendent of schools generally lends assistance by clarifying, by sharing information, and by calling upon members of the administrative staff who may be in the position to further explain any complexities dealing with their administrative specialties. For example, the assistant superintendent for finance or the assistant superintendent for instruction may be required to answer specific concerns dealing with their fields.

22. How do you provide for PTA leaders who are concerned over the loss of involvement in the new school?

Answer: Before the actual phase out of a school building, the parent leaders of that building should be given an opportunity to meet and plan with the parent leaders of the receiving building. The formation of central PTA councils is one way of providing for such introduction. Building principals are in the best position to bring about joint planning for the coming school year between parent leaders.

23. How do you ease student anxiety about the move to the new building?

Answer: Building principals of the receiving and phased out building or buildings are in the best position to alleviate students concerns. They can provide floor plans of the new building, listing of student rules, listings of schedules, and ease the transition through visit programs. Issues of the student newspaper from the receiving building should be given to transferring students ahead of time. The newspaper may include background biographies on the students, biographies on the teachers, and some general information about student activities, clubs and programs in the new school.

24. What do parents worry about?

Answer: Loss of involvement in their local school. Loss of established reputation, ability to influence, and personal acceptance. Concerns for their children will be phrased by the following questions:

Does the new school offer a comparable or even better educational program?

Will my child have a longer bus ride?

If my child is ill during the school day, what provision will be made for transporting him home?

Will the "already-there" students be favored by the teachers and principal?

Will there be the same or similar social, ethnic, racial mix?

Is the lunch program similar?

Does the new school offer after-class activity programs; if so, is there a late bus?

Will this school offer the same extras — assembly programs, extracurricular activities, art, music, etc.?

If my child is a "walker", will he or she have to cross any major physical barriers (main arteries, railroad tracks)?

These questions typify parent concerns -- expect them!

25. What do teachers worry about?

Answer: Loss of jobs.

Loss of established reputation, influence, personal acceptance which have been built over the years in the old school.

Acceptance of themselves, their teaching style, and special abilities by a new principal, new faculty, and new community.

The necessity of having to "psyche out" a new system.

26. What do principals worry about?

Answer: Loss of jobs.

Loss of staff with which they have built a working rapport.

Loss of community acceptance.

The necessity of beginning all over again to build reputation, influence and acceptance with a new faculty and community.

The necessity of learning to work with new parents and a new student body.

The necessity of having to establish themselves again as "good" principals.

27. What do students worry about?

Answer: Unknown teachers and principals.

Unknown school and neighborhood.

Possible adjustment to a long bus ride.

Possible non-neighborhood children in class.

Loss of "reputation" gained for family by mothers and older brothers and sisters.

28. What do board members worry about?

Answer: Heavy amounts of pressure from "moving" areas with loss of credibility unless there is public understanding.

New challenges to their leadership from discontented parent groups.

Possibility of re-election defeat.

Need to become familiar with new parents if the school board member has been elected from a precinct or ward and children are transferred across these political lines.

The possibility of having a well-established school board reputation shattered due to emotionalism.

## FACILITIES

Any discussion of facilities must be prefaced by comments on costs and funding. Of all the problems facing administrators dealing with shrinking enrollments, financial constraints are the most debilitating in terms of educational programs and facilities.

### Funding

Revenues to operate schools come from local taxation, state appropriations, and federal monies. Declining enrollments generally mean a decrease in state support, based on ADA or ADM, an expectancy of lowered taxation rates by the community residents, and a possible loss of federal funds because of a shrinking "special target" population. These factors, combined with the existent "dry up" of new federal monies, produce extreme hardships in the maintenance of existing educational programs. Consequently, cost reduction related to diminished income is a cold reality facing most districts.

The districts which seem to be the hardest hit are "low wealth" (low assessed valuation per pupil) districts which frequently must rely heavily on state equalization and apportionments based on ADA or ADM. "High Wealth" districts (those which receive a greater proportion of funds from assessed valuation) will experience financial difficulties to a lesser degree when facing enrollment decline. A comparison of hypothetical district incomes of "high" and "low" wealth illustrates this fact.

District A (high wealth) and District B (low wealth) both decline in enrollment by 1,000 students. District A may lose at the rate of $200 per pupil, yielding a loss of $200,000 whereas District B, based heavily upon state equalization funds, may lose at the rate of $400 per pupil, yielding a loss of $400,000. Each of these districts, however, would continue to receive approximately the same amount of money from local tax sources, although each could lose some federal monies if the enrollment decline contained students eligible for impacted aid assistance or other categorical federal aid.

### Cost-Benefit Analysis

Obviously, a careful cost-benefit analysis must be made when attempting to make a decision to close one or more facilities. Such a careful and thorough study is mandatory in order to properly and correctly select the facility which will be phased out. Such a cost-benefit analysis also has the beneficial effect of identifying for the administration and board of education those buildings operating either above or below the "average" efficiency of all of the facilities in the district.

Fixed costs of the district and/or individual buildings leave little room for cost reduction other than in the educational program, personnel, or facilities. Most administrators view facility contraction as the lesser of all evils. Before such actions can be taken, cost-analysis and building-by-building comparative studies must be accomplished.

The first major set of figures which must be compiled in anticipation of future decisions deals with the operating efficiency of buildings over the coming five to ten year period. These items are:

Capital Outlay: An analysis must be made of potential heavy expense items which may become necessary for a building within the next five to ten year period. Such items include the need for a new roof, replacement of the heating plant, mechanical equipment, inner wall reconstruction, replacement of window casements, and extensive painting either internally or externally. The critical question is how long can the building provide a healthful and safe environment. Just as critical is the determination of the cost of having this work done, as well as the cost of delaying it until some future time.

Heat: Accurate figures should be accumulated well before decisions have to be made about the annual costs for energy to heat the buildings. The type of energy used should be considered in the context of the changing natural resources available. Comparative costs of operating the individual buildings of the district should be compiled so that a decision might be made by type of energy used.

Electricity: Electrical systems in buildings need to be examined in terms of adequacy for continued use. Another question which needs to be faced is whether safety requirements will require work on the electrical systems. An accurate analysis of operational costs will indicate whether the power system presently used in any particular building is adequate or inefficient.

Insurance Costs: Frequently buildings within a district differ greatly in the insurance liability which they represent. This usually is related to the type of construction, the age of the building, and the work which has taken place within the building in the past. The question, then, which must be asked is whether the insurance costs are exorbitant in relation to the age and the structure of the building.

Custodial Costs: An analysis must be made of the cost of daily custodial care in each of the buildings which might be affected. It is generally accepted that older buildings are more costly to clean than newer buildings, which are more uniform in their construction style.

Facilities: Facility contraction can take the form of school closure with subsequent sale of the building, or lease/rental of the facility. To "mothball" a facility allowing it to remain idle is the least desirable of all possibilities. Vacant buildings are open invitations to vandalism, and rapid deterioration. They also usually require increased insurance protection.

The decision between selling or leasing must be made by careful consideration of future district needs. It would be disastrous to sell a building now and in five years suddenly discover it is again needed.

A third facility alternative is partial leasing. This arrangement is particularly effective in inner city areas. The practice of limiting school buildings only to school youth is not realistic in today's world.

Unused classroom space can be modified so as to enable the inclusion of offices for community service agencies. Urban area school buildings can effectively provide space for the service needs of a community as well as for educational requirements.

Suburban school buildings are also being used by YMCA groups, senior citizens, day care centers, and other recreation or service organizations, while simultaneously operating educational programs. Daily interaction in a joint service facility provides students with the opportunities for acquiring a basic understanding of community living.

Revenue from segment leasing is frequently just sufficient to ease the high operating costs of a partial enrollment school, while providing meaning-ful expansion of the traditional classroom through introduction of other aspects of the community.

## Suggested Criteria for Selecting the School to be Closed

The uniqueness of school districts precludes the listing of criteria in rank order. Each district will place emphasis on some factors and not on others, depending on community needs and desires.

Geographic Location: A major concern for parents is that the new school, or receiving school, be relatively close to the old neighborhood; that in attending this new school children would not have to cross any major physical barriers (e.g. railroads, main arteries, parkways); and that at this new school there would be a student population of socio-economic background, racial, and ethnic makeup similar to that of the closed school. Obviously, transportation costs should be carefully examined when selecting one or more facilities for phase out.

Academic Excellence: Parents are not willing to let their children be moved from a "good academic performance" school to a school down the road with a "lesser academic" reputation. It is virtually impossible to close "the good school".

Present/Capacity Enrollment: It is logical to parents to see numbers presently enrolled as compared to the capacity of a school and understand that the building is underutilized. Hopefully, this school would be the smallest in the district, thereby affecting the fewest number of pupils. Unfortunately, given the above situation, experience has shown that this school is frequently in the most affluent section of the community . . . thus presenting another very real problem.

Facility Condition: The oldest building is again, a logical choice. It is probably the least flexible in terms of educational program (e.g. moving partitions, fully equipped classrooms, art rooms, labs) and is usually a costly building to maintain. Need for renovation is usually as high as the need for major capital outlay costs (e.g. roofing, black topping of play area, heating, plumbing, etc.).

Re-cycle Ability: Because of location, some buildings are more desirable than others as prospective space for new tenants. An important consideration that must be dealt with is the feasibility for resale or leasing of the building.

### The Facilities Usage Criteria Test

Closing this school would mean:

1. Keeping students relatively close to their neighborhood;
2. Keeping students from crossing major physical barriers;
3. Maintaining a similar socio-economic, racial, and ethnic mix;
4. Closing the school with the lowest enrollment;
5. Closing the oldest school with a weak academic performance record;
6. Closing the least educationally flexible building;
7. Closing the "high cost" maintenance/capital outlay building;
8. Closing a building that can be recycled;
9. Closing the building that requires the least additional cost of district-wide transportation;
10. Closing the building most in keeping with the recommendations of the Special Task Force.

If you can answer "yes" to each one of the above criteria, this probably is the school to be closed. Assign one point for a "yes" answer, and "0" for each "no" answer. This will give you an indication of one set of factors with which you may place in rank order the school buildings in your district.

### Questions and Answers

1. Why conduct analysis of operating costs of separate school buildings when faced with an ultimate school closing?

Answer: In spite of the many arguments which come on an emotional and intellectual level about which buildings to close in any school phase out program, the eventual selection of buildings, in part, will relate to the operational costs of the specific buildings. In other words, what is the cost of keeping this building going, what continuing costs are to be maintained over a 10 year period, and what operational annual costs does the building have compared to other buildings? These concerns relate to the cost of keeping the building going on a daily, monthly, and annual basis and relate directly to annual budget allocations. These annual costs will ultimately figure largely in a final determination of which buildings should be maintained.

2. How should fuel and electricity usage studies be carried out in anticipation of any final determination?

   Answer: The primary sources of information about the costs of fuel and electricity are generally the local records of the school district. Administrators and financial officers should refer to the bills received during specified fiscal periods. Invariably, the utility bills are coded when sent to a school district business office so that the coding will identify the building which has consumed the most fuel or electricity. The major consideration should be the efficiency of previous utilization building by building. Should there be any further difficulty, the research offices of the various utility companies (telephone, electricity, gas, oil) may well be in a position to supply the necessary information.

3. Knowing the relative costs of various building operations, how does one determine their applicability to the problem of school building closing?

   Answer: One of the more obvious determinants of whether a building can be afforded is the number of students which it might serve over a five to ten year period. Further criteria for analyzing its usefulness in a future period, are found in the beginning of this section on facilities usage.

4. How can future roofing and painting needs be estimated when analyzing the future costs of individual buildings?

   Answer: Many school districts have regular programs for resurfacing roofs and for painting buildings both internally and externally. These schedules should be analyzed when determining future costs over a five to ten year period. In the absence of such a systematic maintenance program, the school district might well engage consultants who are available, or consult interested citizens in the community who are involved in various construction industries and might well represent the nucleus of a school building facilities subsection of a community task force related to school district closings.

5. Why is an inventory of materials necessary prior to redistricting or closing?

Answer: Equipment such as generators, kilns, and heavier types of instructional equipment (lathes, auto shop equipment, etc.) and maintenance equipment should be scheduled for purchase over multiple year periods. When it is obvious that some of these materials will not be needed due to school closings, such economies should be effected ahead of time.

6. What are the advantages of leasing unneeded school buildings?

Answer: It will always be there in case you need it again. Leasing is a logical move if the district has potential growth areas yet undeveloped, if zoning law revisions may change single dwelling areas into multiple dwelling unit areas, or if major urban renewal projects are possible in the future.

7. What are the disadvantages of leasing unneeded school buildings?

Answer: If a suitable tenant can be found, there are no real disadvantages.

8. What are the advantages of selling unneeded school buildings?

Answer: It brings in immediate revenue and may add that property to the school district tax rolls.

9. What are the disadvantages of selling unneeded school buildings?

Answer: Once the building has been sold, it is gone forever. Replacement, if needed in the future, may be financially prohibitive. For many districts, selling is the most logical solution; but buyers are not easily secured. Many schools are located in residential areas where strict zoning ordinances limit commercial use.

10. What about partial leasing?

Answer: Of all the options, partial leasing of a building, bringing joint occupancy of students with another segment of the community, is not only economically sound, but educationally advantageous. It brings the children into direct contact through daily interaction with the out-of-school world in which they live. Senior citizen groups, day care centers, special education facilities, and social service agencies are naturals for cohabitation of a school building.

11. What criteria should be used for selecting the school to be closed?

Answer: Geographic location, present/capacity enrollment, condition of facility, recycle ability, academic excellence.

12. What about razing the building and selling the land?

Answer: If the building is situated on prime business property in a downtown area, or on valuable residential land, this would be a logical solution. Care should be taken, however, to avoid emotional community reaction. One suggestion would be to provide in advance special places for plaques honoring war dead, cornerstones, or other meaningful memorabilia which may be in the closed building.

13. What suggestions can be offered for the future planning of new school facilities?

Answer: First and foremost, every effort should be made to build new facilities as flexible plants which can be easily recycled for other uses, such as community or neighborhood centers. If at all possible, it would be wise to locate new school plants in commercially zoned areas, allowing for a wider range of recycling options. Cohabitation by school children and other compatible partners (senior citizens, day care, pre-kindergarten, social service agencies) should be explored in the early planning stages. Not only the numbers, but the community's potential for growth over a 10-20 year period, should be carefully analyzed before planning for a new facility. Examine the Keough Indicator Survey Scale factors and project them for 20 years. Will they describe the community?

14. What about inter-district sharing?

Answer: In theory, inter-district sharing is a viable solution to enrollment decline. However, in practice, it is difficult, if not impossible, to effect. If one community is experiencing decline, while its neighboring communities are in a period of growth, the logical conclusion would be a leasing plan. The major opposition is the desire of parents to keep their children close to home. Busing children to the next town down the road is equal to sending them into outer space. Parents of elementary children just won't do it. It would be far easier to go through a district reorganization of facility usage and bus older students to a neighboring district, than to bus elementary schoolers.

15. Is it possible for schools in one section of a school district to remain crowded while other neighborhoods are in decline?

Answer: Unfortunately, enrollment decline does not spread itself evenly over a community. Some sections will decline markedly while others will remain stable or even increase. This presents additional complications in terms of facility usage and even suggests redistricting or busing requirements.

# Curriculum

## Developing a Curriculum Management System J-1

Richard D. Hibschman

## K. Computers in Instruction K-1

Judith Lasher Duken
and Joseph S. Verdone

J-K
CURRICULUM

# DEVELOPING A CURRICULUM MANAGEMENT SYSTEM

**Richard D. Hibschman**
**Superintendent of Schools**
**Pittsford Central School District**

## Introduction

At first thought, the idea of developing a system to manage effectively a school district's total curriculum can be overwhelming. Regardless of the size of the district, developing some type of curriculum management system means integrating and interrelating hundreds of variables. Most districts deal with at least twenty different subject matter areas (math, music, I.A., English, etc.). Many of the subject matter areas are taught at all levels from K to 12. The matter becomes more complex when a district has more than one school at each level. Add to this mix the fact that there will be multiple teachers in each grade level and subject area who will undoubtedly have their own pet curriculum views and expectations for student learning. Laid over these variables are school board and community (perhaps several factions) biases and expectations, state guidelines and regulations, and a rapidly changing national educational agenda. And the list goes on, including federal laws, standardized testing results, students' needs, ... .

As a new superintendent with pressures and expectations in personnel, finance, and community politics competing for your attention, you may be tempted to leave the curriculum to someone else, or perhaps even to its own inertia. Fight the temptation. Look upon the development of a way to manage your district's curriculum as the ideal vehicle for bringing coherence to your district's total instructional program and for truly creating the role of instructional leader for yourself.

As a new superintendent, chances are that you will not be expected to answer specifically many difficult, or even easy, curriculum questions immediately. Normally, the major constituencies in your district, board members, parents, principals, and teachers, will be willing to give you a few months to assimilate the local scene. Use this honeymoon period to your advantage. Do not use it as a "breather" period with the thought that you will get to curriculum at some later date in your tenure. You will easily find reasons to procrastinate. Other tasks may seem to be more pressing, or more important. There may already be someone in your staff who has the responsibility for curriculum. Or you may hear the siren song of curriculum management - "after all, if we do not get at it today, there is always tomorrow". There are two important things that you can do to establish a sound program for managing curriculum in the first "free" months of your tenure. You can learn about the kind of curriculum management activities that already exist in your district and you can begin to set the context for a sound and results-oriented curriculum management system.

## Reviewing the Curriculum

Even if no one has ever given it a moment's critical thought, every school district has developed some procedures for handling its curriculum. Somehow, decisions are made about what is expected from students, what will be taught, when it will be taught, what books and materials will be used, and how well the students are doing in relation to what is expected. On the surface, particularly at first examination, most of these "ssytems" appear to work. After all, teachers are teaching, students are working and learning, tasks are given, materials are purchased, school years end and students move on to higher levels, even graduate. However, on closer examination, one sees that there is little or no vertical articulation (that is, what is being taught at third grade may have no logical or sequential connection to what is being taught in first, sixth, or ninth grade) or horizontal articulation (each elementary school, or worse yet, each teacher at the same grade, may be going in completely different directions). Depending on the luck of the draw at teacher assignment time or the point when school geographical boundaries are established, one student may have the same field trip three times while another student never has that experience. Worse yet, in a situation where individual teacher choice is dominant in textbook selection, an elementary student may encounter six different text series from first through sixth grades. What is the situation in your district? Does a completely coordinated and articulated system for managing the curriculum exist? Do you have curriculum chaos or curriculum anarchy? Chances are that your district lies somewhere in the middle. It is your task to determine where it is. Start the first day on the job. In matters of curriculum, it is the time to ask questions, not to tell people what to do. Listen and observe carefully.

As you undertake your study of the status quo, be conscious of the fact that there are many approaches to curriculum management. Seldom do we see a district solely use only one approach. Normally, we would find a combination of approaches impacting on a district's curriculum. I assume that you have had some curriculum training and are generally familiar with the approaches. This following review is simply intended to help you recall and focus rather than to provide a comprehensive overview. Let me briefly examine seven approaches:

1. Textbook Adoption. The textbook becomes the basis for the curriculum. The level of vertical and horizontal articulation will depend on whether the textbook was adopted by the total district, selected by an entire school or grade level, or purchased at the request of an individual teacher.

2. Adoption of State Program. The State Education Department provides recommended courses of study, program guidelines, curriculum manuals and administers standardized tests (Regents, competency). A district could operate its curriculum using only state materials, so long as there was not too much concern about local needs and expectations.

3. Ad Hoc Curriculum Committees. Many districts use short-term curriculum committees to develop curriculum guides and courses of study. These guides may be comprehensive and include everything from district goals to selected learning outcomes and activities, or they may be a 'cut and paste' product liberally borrowed from other guides. Curriculum committees have tremendous potential in good curriculum management systems.

4. Curriculum Office Direction. In these cases, curriculum experts usually make the curriculum decisions and promulgate them to the teachers. This approach may significantly improve the coherence of the curriculum. However, lack of teacher ownership may doom the program before it starts.

5. Outside Experts. An example of this approach would be Project Physics, which was developed by university scholars with federal support. This approach is usually aimed at discrete subject areas and cannot be used in developing a comprehensive curriculum management system.

6. Individual Teacher/Building Initiative. This may be the most prevalent approach. In the absence of strong district curriculum management, individuals or groups of teachers will borrow, adjust, and initiate as necessary to develop their programs. Even in the best of curriculum management systems, it should be understood that teachers should have the right, even the obligation, to adjust the curriculum to meet student needs so long as the learning outcomes determined by the district are addressed with each student. However, if there is no centralizing influence, chaos may reign.

7. Teacher Training. Districts can significantly impact the curriculum by providing teacher training. Teachers receive new information and techniques and use it in their teaching. A problem with this approach is that usually all teachers do not receive the training. Another problem is that often training is poorly planned and may have little to do with the district's curriculum expectations.

## Developing a Curriculum Management System

As you review the curriculum in your new setting, attempt to understand how the above approaches are utilized and to what degree they influence what is happening with students. As you begin to understand the patterns of interaction, you can use the information to help develop the context in your district for a curriculum management system.

Perhaps the most important step to the development of a system to manage curriculum in a school district comes at this point. As superintendent, you must develop a rationale for curriculum management and create an environment in which it can work and flourish. Any major change you suggest is likely to cause anxiety on the part of the school board and staff. As you develop the context for curriculum management, do it with positive purposes. Do it not to establish control for yourself, but to establish the framework for a process that will involve all the important constituencies in your district in addressing and resolving curriculum issues and problems. You want to give everyone control and accountability. You will want to develop a system that is accessible to all and reacts quickly and objectively to their concerns, questions, and ideas.

As you develop this context, be clear and specific about the reasons for establishing a system for curriculum management. The reasons should flow from the needs of your district and community, both real and perceived, and should reflect both present and anticipated situations. Without trying to be exhaustive, let me suggest several reasons that you could address in developing your rationale for a system.

1. We just keep adding programs; we do not have any good way of eliminating or cutting back programs.
2. We have little or no continuity; our elementary and secondary programs are totally separate. We never think of the K-12 experience.
3. We have many differences within the district; this makes us look bad, arbitrary, inequitable; it gives the appearance of lack of thought on the district's part.
4. We need a thoughtful way to deal with, and understand the place of new federal mandates, the Regents Action Plans, national educational studies and recommendations, or community pressures for new programs.
5. We need to be able to clearly articulate to parents, teachers and students what the district's learning expectations are and how well we are achieving them; it is a good way of holding all parties accountable.
6. We need to be fairly evaluated on our stated expectations rather than a myriad of outside expectations; unless we clearly state our curriculum goals and objectives, along with learning outcomes, we are subject to being judged by any and all criteria.
7. We need to make teachers' jobs more manageable. A curriculum management system should free the teachers to focus on teaching, rather than developing their own curriculum - a time-consuming and frustrating activity.

To restate, whatever reasons you choose should be common to the experiences, and therefore mutually understandable, of all of the actors in your scenario. For example, a decision to close and reorganize schools in Pittsford made us anticipate, and deal with, the fact that our children being transferred to other schools within the district should have essentially the same academic programs. We had found, in fact, that the school's programs were significantly different. Remember, your curriculum management system is supposed to help you solve problems and to initiate positive change in curriculum. It should be a workable process that intends to have results.

Once you have prepared the context for a curriculum management system in your district, you should be prepared to involve others in 1) developing your system and 2) making it work. There certainly is no one standard management format for you to follow. The management plan you adopt should realistically reflect the size of your district, the amount and number of staff available, and constraints and opportunities inherent within your setting.

At this point in the chapter, I will begin to focus on the Pittsford Curriculum Management System. This system was developed during the 1979-80 school year and has been in use since then. It is the framework we use to study and resolve all curriculum matters. I will share the system with you, not as an exact model for you to follow, but as an example of one way to approach managing curriculum. We are a rather large (5,000 students) district and have enough staff to drive a rather complex system. However, the basis of our system (the major components) could be utilized in any size district.

When I charged the members of the Pittsford Curriculum Office with developing a system, we mutually agreed on a list of essentials that should be incorporated into whatever system we devised. You should develop your own list before you develop your system. Our list of essentials is offered as an example.

1. It should be a written plan.
2. It should stress teacher involvement at all stages.
3. It should acknowledge the K-12 experience with emphasis on good horizontal and vertical curriculum articulation.
4. It should be systematic.
5. It should provide for policy level (board) involvement.
6. It should be easily accessible to all - parents, staff, students.
7. It should provide for goals and objectives in each subject area.
8. It should provide for specific learning outcomes to be learned or accomplished by each student.
9. It should provide for a comprehensive testing program - results to be used in instruction and to be shared with community.

10. It should provide for thoughtful textbook and material selections.
11. It should spell out specific role expectations within the curriculum management system that could be monitored.
12. It should provide for staff training and development.
13. It should receive input from community and regularly report to the community.
14. It should provide for the careful monitoring of all curriculum areas to insure that expectations are being met.
15. It should assume that curriculum development is an integral part of a professional teacher's role.
16. It should take into account costs - short/long-term and direct/indirect.
17. It should provide appropriate and realistic time cycles.

The Pittsford Curriculum Management System was developed in approximately six months. The task was carried out by a curriculum team, including the Assistant Superintendent for Instruction, Director of Elementary Education, and the Director of Secondary Education. These individuals were asked to review all of the pertinent literature and to attend selected conferences and workshops where well-known and seminal thinkers in all aspects of curriculum were presenters. We wanted our system to reflect the best information available in curriculum work and research. I have chosen not to cite the literature selectively in this article. I do urge you to take the time to develop some type of conceptual framework before proceeding. You will see the distillation of our research inherent in the Pittsford Curriculum Management System.

My role during this period was to continue to set and establish the context. This included several presentations to the Board regarding the role and importance of a system, an opening day presentation to the teachers which outlined our goals for the system and their role in it, a series of articles in our district newsletter, and an administrator-board workshop in which the proposed system was reviewed, critiqued and modified. The proposed system was also presented to each school staff for questions and suggestions. In every presentation, I emphasized that the system was intended to give us a framework within which we could participate together in all matters of curriculum. Also, I was able to draw on situations in the district, with which all parties were knowledgeable, in developing my rationale for the system.

I will now present the Pittsford Curriculum Management System for your information, use, adaptation or reference. It will include an introduction, an overview of the process and the six phases of the system, a detailed look at each phase of the system, and a brief discussion of the roles of the participants in the system.

## PITTSFORD CENTRAL SCHOOL
## CURRICULUM MANAGEMENT SYSTEM

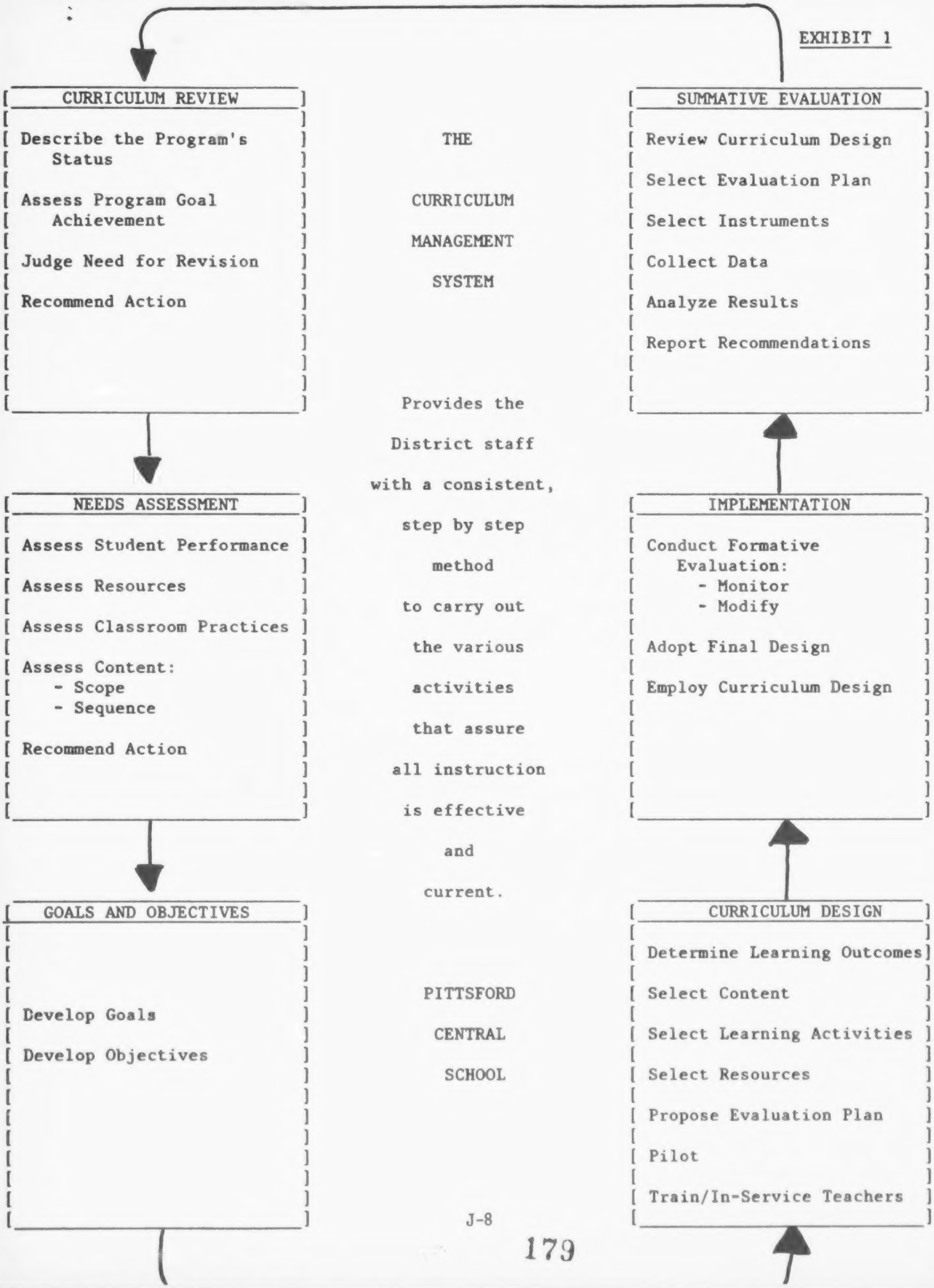
### INTRODUCTION

The Curriculum Management System is designed to provide the Pittsford Central School staff with a process for the review, development, and implementation of the curriculum. The System can be applied to areas of the curriculum ranging from single courses to entire programs of instruction. The process has six areas of activity called "phases". Each phase covers an important aspect of curriculum development or management providing a series of specific steps to be followed. Together, these phases cover the entire range of tasks necessary to develop and to maintain a curriculum.

The entire System is predicated on the principle that delivery of appropriate and effective instruction depends upon the involvement of professional staff members, especially the teacher. Extreme care was taken as the System was designed to ensure that staff members who possess the appropriate background and training would be engaged in decision making at the critical points in the curriculum development and implementation process. The overriding objective was to establish a process that ensured development and maintenance of a curriculum that would be judged by the teacher to be appropriate, applicable and useful.

The Curriculum Management System's structure was carefully designed and arranged. Nevertheless, it requires continuous review and modification to remain useful. It is intended that the System be evaluated, updated, and modified on a regular basis.

EXHIBIT 1



### CURRICULUM REVIEW

Describe the Program's Status

Assess Program Goal Achievement

Judge Need for Revision

Recommend Action

### NEEDS ASSESSMENT

Assess Student Performance

Assess Resources

Assess Classroom Practices

Assess Content:
- Scope
- Sequence

Recommend Action

### GOALS AND OBJECTIVES

Develop Goals

Develop Objectives

## THE CURRICULUM MANAGEMENT SYSTEM

Provides the District staff with a consistent, step by step method to carry out the various activities that assure all instruction is effective and current.

PITTSFORD
CENTRAL
SCHOOL

### SUMMATIVE EVALUATION

Review Curriculum Design

Select Evaluation Plan

Select Instruments

Collect Data

Analyze Results

Report Recommendations

### IMPLEMENTATION

Conduct Formative Evaluation:
- Monitor
- Modify

Adopt Final Design

Employ Curriculum Design

### CURRICULUM DESIGN

Determine Learning Outcomes

Select Content

Select Learning Activities

Select Resources

Propose Evaluation Plan

Pilot

Train/In-Service Teachers

# CURRICULUM MANAGEMENT SYSTEM
## PHASE DEFINITIONS

Curriculum Review:
The examination of any aspect of the instructional program, either in existence or proposed, to determine further action.

Needs Assessment:
The gathering of specific data on the current status of any aspect of the instructional program in order to develop recommendations concerning the future of the program.

Goals and Objectives:
The development of goals establishing the direction and intent of the program and objectives citing desired student outcomes with regard to knowledge, skills, and attitudes.

Curriculum Design:
The selection of all necessary and appropriate components to produce a complete, operational program of instruction.

Implementation:
The activities which cause a program of instruction to be carried out as designed.

Summative Evaluation:
The assessment of the overall effectiveness of a program after it has been in operation for a predetermined length of time.

# CURRICULUM MANAGEMENT SYSTEM

## CURRICULUM REVIEW PHASE:

Definition:

The examination of any aspect of the instructional program, either in existence or proposed, to determine further action.

Description:

All major program areas will enter the Curriculum Review Phase on a regular basis to ensure their continued appropriateness and effectiveness. It is intended that each program area enter the Review phase at least once every seven years.

This phase of the Curriculum Management System may also be initiated when a group or a member of the Pittsford educational community expresses concern over any aspect of the instructional program.

Any member of the Pittsford educational community may question the appropriateness and/or effectiveness of any aspect of the instructional program. The request is addressed to the Assistant Superintendent for Curriculum and Instruction who will establish a Review Committee.

The Curriculum Review Committee will examine the general status of the existing or proposed program to determine if the program requires further study. The Committee will forward its findings to the Assistant Superintendent indicating that the program has been judged either to be in need of revision, to be in need of minor adjustments, or to be appropriate and effective or not requiring further study. Recommendations for action will be included in the report.

Process:

For Regular Review -

The basic steps of the Curriculum Review Phase include the following:

1. The Assistant Superintendent for Curriculum and Instruction will identify annually those programs of instruction which will enter the review phase the following year.
2. The Assistant Superintendent for Curriculum and Instruction will form a Curriculum Review Committee which may include: at least one member of the curriculum team, an appropriate instructional leader, a building administrator from one of the building levels related to the program in question, and at least one teacher from each building level related to the program. The Assistant Superintendent for Curriculum and Instruction will select a chairperson from among the committee membership.
3. The Curriculum Review Committee will develop a statement identifying the intent of the program including:
   a. The name of the program.
   b. The grade level and type of students in the program.

   c. The goals and objectives of the program.
   d. The purpose of the program in terms of expected student learning.

4. The Committee will develop a description of the status of the program. The Committee will use the program intent statement and the description statement as a basis for determining if the purpose of the program matches the students' needs and whether the program appears to be achieving its purpose.
5. The Committee will develop a brief written statement citing differences between the current program and what the program should be. Based upon these differences the Committee will judge whether the program needs revision or needs minor changes or is appropriate and effective as it stands.
   a. If judged to be in need of revision, the Committee will forward its written report to the Assistant Superintendent, recommending that the program should enter the Needs Assessment Phase.
   b. If judged to be in need of minor modifications, the Committee will forward its written report to the Assistant Superintendent recommending the appropriate phase the program should enter.
   c. If judged to be appropriate and effective, the Curriculum Review Report is filed with the Assistant Superintendent for dissemination and future reference.
6. The Assistant Superintendent for Curriculum and Instruction will communicate the results of the review to the Superintendent, to the building administrators, to the Instructional Leadership Council, to the person(s) requesting the review and to the Board of Education when appropriate.

For Special Concerns -

The basic steps of the Curriculum Review Phase include the following:

1. A group or a member of the Pittsford educational community may question the appropriateness and/or the effectiveness of any aspect of the instructional program. They may also propose a new program.
2. The request is submitted to the Assistant Superintendent on the Curriculum Review Request Form with the program area identified and the rationale for the request stated in writing. (See Exhibit 2)
3. The Assistant Superintendent will examine the Curriculum Review Request Form. The Assistant Superintendent will notify the building administrators and the Instructional Leadership Council that a review will occur and will form a committee to examine the request. The Review Committee may include one member of the curriculum team, an appropriate instructional leader, and at least one teacher from each building level related to the program. The chairperson will be appointed by the Assistant Superintendent from among the membership of the Committee. The Committee will follow the process outlined in steps 3 through 6 of the regular review process.

## PITTSFORD CENTRAL SCHOOL

Exhibit 2

## CURRICULUM REVIEW REQUEST FORM

Any member of the Pittsford educational community may raise a question regarding any aspect of a program of instruction or course of study. Completion of this form will assure that the district's staff will give direct attention to the question. When completed in full, it should be returned to the office of the Assistant Superintendent for Curriculum and Instruction. Approprite staff members will examine the issue and develop a written response that will be returned to the person(s) raising the question.

Date form completed ____________________

1. Please give your name(s) and address(es) and phone number(s) -- school(s) if staff member(s).

________________________________________
(Name) (Address) (Phone)
________________________________________
________________________________________
________________________________________

2. Please identify the program area; i.e., subject, course, grade, school.

________________________________________
________________________________________
________________________________________

3. Describe the issue.

________________________________________
________________________________________
________________________________________
________________________________________
________________________________________

4. If you are not a district staff member, give names of the staff with whom you have discussed this issue.

________________________________________
________________________________________
________________________________________

5. State what you feel should be changed to resolve the issue.

____________________________________________

____________________________________________

____________________________________________

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____________________________________________

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For Curriculum Office use only

Curriculum Review Committee Membership:

______________________________, Chairperson

______________________________

______________________________

______________________________

Decision:

_______ Program judged not to be in need of review.

_______ Program judged to be in need of review — form Curriculum Review Committee

Date: ____________________

Curriculum Office Response:

____________________________________________

____________________________________________

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## NEEDS ASSESSMENT PHASE:

### Definition:

The examination of any aspect of the instructional program, either in existence or proposed, to determine further action.

### Description:

A needs assessment, the second phase of the Curriculum Management System, is conducted when it has been determined that any aspect of the instructional program is in need of detailed study.

The Assessment is based upon an analysis of the key components of the program. Indicators of the quality of the students' learning experiences, written curriculum materials, student performance data, and descriptions of teaching practices are collected and analyzed to provide an accurate description of the degree to which the program is meeting the desired outcomes.

The analysis may indicate that revision of the program or practices is needed. It may indicate that program goals and objectives are incomplete, inadequate or do not exist. It may also indicate that the goals, objectives, content and/or practices are inconsistent with the current educational or social values and may not lead to the intended outcomes. Recommendations will then be made to move to an appropriate phase of the system.

### Process:

The basic steps of the Needs Assessment Phase include the following:

1. If the program has been judged by the Curriculum Review Committee and the Assistant Superintendent to be in need of revision, a Needs Assessment Committee will be established.
    a. The appropriate Director of Education will be notified by the Assistant Superintendent to form a committee.
    b. The Director will notify the appropriate staff that the program area is entering the Needs Assessment Phase and ask for volunteers for the committee.
    c. Participants on the committee may include:
        1) building administrators;
        2) district and/or building leaders;
        3) elementary teacher(s);
        4) secondary subject area teacher(s).

        d. The Director, in consultation with appropriate building administrators, selects the committee members. The chairperson will be designated by the curriculum team.

2. The Director(s) of Education will regularly review the committee's progress with the chairperson.
3. The Committee will examine the Review committee report and determine the extent of the necessary revision.
4. Existing curriculum guides will be examined for appropriateness and for their relevance to current educational and social values. This will include a review of:
    a. The philosophy, goals and objectives of the program area;
    b. The content indicated in the guide;
    c. The scope and sequence of the program area;
    d. The resources specified for use.
5. Necessary data on student performance will be gathered:
    a. Building administrators, Directors, staff and community resource people, if appropriate, will be requested to collect and forward data to the committee.
    b. The data collected will be analyzed in relation to:
        1) the outcomes intended;
        2) appropriate and available reference groups.
6. Teaching practices in the classroom will be analyzed to determine:
    a. Content;
    b. Time spent;
    c. Sequence of learning activities;
    d. Intra-district consistency of program, materials and equipment;
    e. Data for this analysis will be supplied by classroom teachers, building administrators, and others as appropriate.
7. Necessary data on materials and resources will be collected:
    a. Titles and copyright dates of books;
    b. Extent of supplementary material;
    c. Kinds of equipment;
    d. Condition of equipment.
8. Information will be gathered regarding professional staff attitudes and feelings toward the current program of instruction.
9. The Committee will prepare a detailed, documented list of variances between the intended program and the current program based upon the information collected in steps 3 through 8.

10. The Committee will, based on a study of the information collected, do one of the following:
    a. Confirm the findings of the Curriculum Review Report and proceed with the revision process by recommending to the Assistant Superintendent the next phase to be undertaken.
    b. Reject the findings of the Curriculum Review Committee Report in whole or in part. If rejected wholly, recommend filing of the Needs Assessment Report with the Assistant Superintendent for future reference.
    c. Accept portions of the Curriculum Review by either:
        1) confirming the existing design and implementation and recommending the formulation of new goals and objectives to establish consistency with the current program
        2) or, confirming the existing goals and objectives and moving to the Design Phase for redesign activity
        3) or, confirming existing goals, objectives and design, and moving to the Implementation Phase to reinstate consistency with the program intent.
11. The Committee will review its determinations and recommendations with the appropriate Director.
12. The Committee will file a report including all data and findings and a recommendation for appropriate action with the Assistant Superintendent.
13. The Assistant Superintendent will meet with the Needs Assessment Committee to review the report and recommendations. The Needs Assessment Report will be shared with the Superintendent, the administration and other appropriate staff. The Assistant Superintendent will notify the Needs Assessment Committee, the Instructional Leadership Council, building administrators, and other appropriate staff of actions to be taken. The Assistant Superintendent also will place the program of instruction in the appropriate phase.

## GOALS AND OBJECTIVES PHASE:

### Definition:

The examination of any aspect of the instructional program, either in existence or proposed, to determine further action.

### Description:

Establishing goals and objectives is an essential phase which must be completed before design work is undertaken. Goals are general statements which establish the intent of the program area. They must be sufficiently explicit to clearly establish both direction and outcomes desired. Derived from these goals are objectives.

Objectives are definitive statements of materials to be learned and tasks to be performed. They should be expressed in such a way as to identify the materials to be learned or demonstrated, and the operations to be performed by students.

Proper recognition must be given to the professional judgment of classroom teachers and building administrators who are responsible for translating the goals and objectives into an operational program. Properly formulated goals and objectives are the basis for the Curriculum Design Phase of the management system which will follow.

Process:

The essential steps of the Goals and Objectives Phase are:

1. When a program enters the Goals and Objectives Phase, a committee will be established.
   a. The appropriate Director of Education will be notified by the Assistant Superintendent to form a committee.
   b. The Director will notify the appropriate staff that the program area is entering the Goals and Objectives Phase and ask for volunteers for the committee.
   c. Participants on the committee may include:
      1) building administrators;
      2) district and/or building leaders;
      3) elementary teacher(s);
      4) secondary subject area teacher(s).
   d. The Director, in consultation with appropriate building administrators, selects the Committee members. The chairperson will be designated by the curriculum team.
2. The Director(s) of Education will regularly review the Committee's progress with the chairperson.
3. The Goals and Objectives Committee will examine the findings and recommendations in the Needs Assessment Report, if available, noting discrepancies listed between existing goals and objectives and existing program, implementation and/or current educational and social values. It will be charged with the formulation of recommended goals, appropriate to the program area, for the district and building levels. Goals must clearly establish the direction and intent of the program area.
4. The Goals and Objectives Committee will also formulate recommended objectives for implementing the program area goals. Objectives should reflect the professional

judgment of teachers and building administrators responsible for implementation. Objectives should specify:

a. operations to be performed by students;

b. materials to be learned or demonstrated by students.

5. The Goals and Objectives Committee should submit a draft of its report for review by appropriate staff administrators and the Instructional Leadership Team in the buildings. The Goals and Objectives Committee will consider any necessary revisions based on the review.

6. A final report, specifying recommended goals and objectives, will be prepared and submitted to the Assistant Superintendent.

7. The Assistant Superintendent will review the recommended goals and objectives and present them to the administration and to other appropriate groups for their information. Then the Assistant Superintendent for Curriculum and Instruction will accept the report and present it to the Superintendent, who will, in turn, present it to the Board of Education for its information. Appropriate staff will receive copies of the Goals and Objectives.

## CURRICULUM DESIGN PHASE:

### Definition:

The selection of the necessary and appropriate components to produce a complete, operational program of instruction.

### Description:

This phase of the Curriculum Management System is applied after the goals and objectives for the program or sub-program have been developed. It is the stage of the process when decisions are made about the scope, sequence, and form a new or revised program should take.

The Curriculum Design Phase usually results in a written document, the Program of Instruction, containing statements outlining the specific learning outcomes for the school population for which the curriculum is designed as well as the body of content and learning activities that provide the potential for realizing the goals and objectives. Rather than preparation of a written document, the Curriculum Design Phase may result in the adoption of an externally developed program of instruction.

There are seven possible tasks in the development of a curriculum design:

1. Determining the Learning Outcomes;
2. Organizing and Selecting Content;
3. Selecting Learning Activities;

4. Selecting Resources;
5. Piloting the Program when appropriate;
6. Revising the Design Based Upon the Pilot Program;
7. Recommending staff development activities.

Process:

The basic steps of the Curriculum Design Phase include the following:

1. When the goals and objectives are adopted, the Assistant Superintendent will notify the appropriate Director of Education to form a Curriculum Design Committee.
   a. The Director will notify the appropriate staff that the program area is entering the Curriculum Design Phase and ask for volunteers for the Committee.
   b. Participants on the Committee may include:
      1) building administrators;
      2) district and/or building leaders;
      3) elementary teacher(s);
      4) secondary subject area teacher(s).
   c. The Director, in consultation with appropriate building administrators, selects the Committee members. The chairperson will be designated by the curriculum team.
2. The Director(s) of Education will regularly review the Committee's progress with the chairperson.
3. The Committee's task will include:
   a. Determining the Learning Outcomes.
      These are the expected demonstrable student learning outcomes which fulfill the objectives. One or more learning outcomes may be derived from each objective.
   b. Organizing and Selecting Content.
      Content is all the instruction that is provided by the teacher to assist the student to fulfill the learning outcomes. It includes information (knowledge), skills and/or attitudes.
      1) A determination is made about how the content of the program, subject area, or subject should be organized. Information, skills and/or attitudes that are congruent with the established goals and objectives are identified.
      2) It is determined whether an externally developed program exists that will be congruent with the established goals and objectives.

c. Selecting Learning Activities:

A determination is made about which representative learning activities are appropriate. The specific activities to be included in the Program of Instruction are then identified and described.

d. Selecting Resources:

Materials will be analyzed from the following perspectives:

.... objectives of the material;
.... reliability and validity of the material;
.... compliance of the material with principles of human growth and development;
.... time and space considerations;
.... personnel factors;
.... community factors;
.... cost analysis of the material;
.... instructional and curricular factors;
.... evaluation methods.

The District's process for the selection of textbooks will be used. Written criteria and a rating scale will be completed for each text determined to be worthy of consideration. A recommendation will be made regarding specific text(s) to be used as a sub-part of the Design Committee's report and will accompany the developed Program of Instruction.

The text evaluation form is available in the Curriculum Office.

e. Piloting the Program.

When a pilot is deemed appropriate it should follow this plan:

.... the extent of the piloting;
.... the length of time the program would be piloted;
.... who should monitor the piloting;
.... what data should be collected during the piloting stage;
.... the length of time it would take to train the pilot teachers;
.... who would train these teachers.

f. Revising the Design Based Upon the Pilot Program.

The building administrator(s) of the building(s) selected as a site for the pilot and the teachers involved will participate in the assessment of the pilot.

After analyzing the data collected from the pilot, the Design Committee will make the necessary changes in the program of instruction. The Committee's plan for piloting will be reviewed by the Assistant Superintendent who will share it with the appropriate building administrators.

g. Recommending staff development activities.

This will include:

.... the specific content (methodology, skills, concepts, etc.) to be included;

.... the type of activities required (course, consultants, workshop, etc.);

.... identification of the person or groups that will be responsible for providing the training.

The Director of the Teacher Center will serve as consultant to the Design Committee as it develops the teacher training plan.

4. Upon completion of the program of instruction, the Director of Education will present the curriculum design and the staff development plan for the program and relevant data to the Assistant Superintendent. The Curriculum Design will be presented to the Superintendent and appropriate administrative staff for their review. Following this review, the Assistant Superintendent will determine the extent and timing of the implementation.

## IMPLEMENTATION PHASE:

### Definition:

The activities which cause a program to be carried out as designed. This includes a Formative Evaluation, which results in necessary modification, and then the ongoing use of the revised program.

### Description:

This phase of the Curriculum Management System is applied after the design of a new program is accepted. Implementation includes monitoring and modification. Initially, a committee is formed to conduct this formative evaluation of the program. When the program has been modified and is fully implemented, the building administrator(s) assume full responsibility for continued implementation, as is the case with all ongoing programs.

Monitoring is the process by which a determination is made that the program of instruction is being taught as designed. The plan for monitoring newly designed programs begins with Formative Evaluation. The building administrator(s) is expected to take an active role in this initial phase so that he/she may assume primary responsibility for monitoring when the Implementation Committee's work is completed. Monitoring of ongoing programs is the responsibility of the building administrator(s).

Modification occurs when revisions are made in parts of the program rather than in the basic design. Modifications of newly implemented programs may be recommended by the Implementation Committee as a result of formative evaluation. Modifications of continuing programs may be recommended by Curriculum Review Committees.

Process:

The basic steps of the Curriculum Implementation phase include the following:

1. Once a program of instruction design has been formally adopted, the Implementation Committee is selected by the Curriculum Team in consultation with the appropriate building administrators.

   Participants on this committee will include:

   a. building administrator(s);
   b. building and/or district leaders;
   c. one or more teachers from each building level covered by the program of instruction;
   d. representative(s) from the Curriculum Design Committee.

   The chairperson will be designated by the Curriculum Team.
2. The Implementation Committee develops a formative evaluation plan to include:
   a. how the monitoring will be accomplished i.e., observation, lesson plans, meetings, written reports;
   b. the kinds and amount of data to be collected;
   c. the specific responsibilities for each person doing the monitoring;
   d. method for collecting the data;
   e. timetable for completion of the Formative Evaluation.
3. The chairperson and building administrators will regularly review the Committee's progress with the Director(s) of Education.
4. Upon the completion of the Formative Evaluation, this committee will gather the data and prepare a written report.
5. The report will be reviewed by the Assistant Superintendent for Instruction who may reconstitute the Curriculum design Committee to consider needed modifications in the original design. The Assistant Superintendent will review the changes with the administrators and other appropriate staff and will decide whether to adopt the modified version.
6. Once the revisions are adopted, the Curriculum Team will notify the appropriate staff that the program is in place. The Curriculum Design will be employed as modified.

7. It is the primary responsibility of the building administrator(s) to monitor ongoing programs of instruction. They are assisted in this task by district or building leaders, Curriculum Team, and other appropriate staff. Regular and frequent classroom visits will provide the administrator with an opportunity to promote instruction that fulfills the design of the program and to detect areas requiring modification. The Curriculum Team may request reports from the building administrators on the status of designated programs.

## SUMMATIVE EVALUATION PHASE:

### Definition:

The assessment of the overall effectiveness of a program or sub-program of instruction.

### Description:

A Summative Evaluation Committee is formed to develop and implement an evaluation plan. The Summative Evaluation Phase results in a detailed report describing the status of the program, including a statement indicating the degree to which the program was implemented as designed, a statement indicating the degree to which the program achieved its intended goals and objectives, and a listing of any significant side effects or unanticipated results. Results of this phase aid in determining the status of the program of instruction with regard to the other phases of the Curriculum Management System. All of the above are compiled in a written comprehensive report to be placed on file in the Curriculum Office.

### Process:

The basic steps of the Summative Evaluation Phase include the following:

1. Once the Formative Evaluation of a new program of instruction is completed and it enters the second part of the Implementation phase, a Summative Evaluation Committee is established by the Assistant Superintendent for Curriculum and Instruction.
   a. The appropriate Director of Education will be notified by the Assistant Superintendent to form a committee.
   b. The Director will notify the appropriate staff that the program area is entering the Summative Evaluation Phase and ask for volunteers for the committee.
   c. Participants on the committee may include:
      1) building administrators;
      2) district and/or building leaders;

        3) elementary teacher(s);
        4) secondary subject area teacher(s).
    d. The Director, in consultation with appropriate building administrators, selects the committee members.
    e. The appropriate Director will serve as chairperson.

2. The Summative Evaluation Committee will develop an evaluation plan. The plan must be designed to determine the extent to which the program was delivered as was originally intended and the degree to which the program achieved its desired goals and objectives.

   Note: Developing an evaluation plan that respects the unique characteristics of a given subject area requires latitude in selecting the process and the methods to be used. Therefore, only the general topics of the Summative Evaluation plan are listed here. Each Summative Evaluation Committee will be expected to plan the evaluation in detail, monitor the evaluation in a thorough fashion, and report the findings in a complete, written report.

3. The Summative Evaluation Committee may collect data over an extended period of time prior to writing a report.
4. The Summative Evaluation Committee may carry out the evaluation or recommend to the Assistant Superintendent for his approval, qualified non-district staff to carry out the evaluation design.
5. The Summative Evaluation Committee will file a report including all data and findings and a recommendation for appropriate action with the Assistant Superintendent.
6. The Assistant Superintendent will share the Summative Evaluation Committee report with the Superintendent, the administration and other appropriate staff. He/She will notify the Instructional Leadership Council, building administrators, and other appropriate staff of action to be taken and will place the program of instruction in the appropriate phase.

This detailed view of the Pittsford system was taken directly from a copyrighted booklet entitled "Pittsford Curriculum Management System" which is placed at the disposal of all staff members. Copies are provided to the Board and are available in the building for public access. Also included in the booklet are detailed role descriptions for teachers, building/district leaders, principals, Directors of Elementary and Secondary Education, Assistant Superintendent for Curriculum and Instruction and the district Instructional Leadership Team.

## Experiences With Curriculum Management:

We have been using the Curriculum Management System for five years. During that period of time, we have addressed nearly 100 different curriculum issues. The system has worked with both small and large issues. Topics addressed by at least one phase of the system range from a quick review of the possibility of a child care center in the Home Economics program to a comprehensive study of our high school program. Normally, we begin the process at either the Review or Needs Assessment Phase. It is our intent to take every major subject area through the system at least once every five to seven years. One soon realizes that you cannot do everything at once. In the beginning, we worked with the total staff to determine priorities among our twenty-three subject matter areas so that we might start working with the system in the three or four areas deemed most critical. Using the priorities, we were able to develop a work plan for several years. What we did not expect initially was the large number of requests for curriculum reviews that came from the staff. During the first year, we found we had developed nearly thirty curriculum committees - far too many. Accordingly, we have tried to limit the number of studies each year to a workable number. Currently, the Curriculum Management System is going through its own system so that we might apply what we have learned about it to improving the process. No system should ever be considered complete; it should be under continual review.

You have noted by now that the Pittsford system depends entirely on staff committees which are composed primarily of teachers. Throughout, we have depended primarily on teacher volunteers to staff and drive those committees. With very few exceptions, we have had more than enough volunteers. When we are short-handed, we approach appropriate teachers to solicit their help; almost invariably we receive it. We now see curriculum work as an important and integral part of the professional teacher's role. We also see that teachers are beginning to more readily respect and use each other's contributions to the curriculum process. Soon after the system started, the teachers and administration began to see it as a tremendous inservice tool. Teachers were learning as much or more in these committees as they were in courses. We began to give inservice credit based on hours worked. We now are paying teachers on an hourly basis for their work in lieu of credit. We feel that it is an inexpensive and very valuable expenditure. While the teachers are producing, they are learning - a powerful combination. Whatever management system you devise should draw heavily on members of your teaching staff.

Also inherent in any successful curriculum management system is a well developed reporting program. Everyone - community, board, and staff - should receive regular periodic reports about the system's work, results and products. We report regularly to our

Board on a monthly basis. The second meeting of each month is primarily devoted to curriculum. Working with the Board, we develop, prior to each school year, a series of topics to be covered during the year. The Curriculum Office prepares and presents a written report to the Board each month. Additional information is presented by staff members at the curriculum meeting; they also respond to Board member questions and comments. Quite often, the written reports include the actual documents that derive from the curriculum management system. (Each committee always develops a final written report. All final reports are reviewed, not acted upon, by the Board). Monthly updates of the status of topics in the system are also presented. (See Exhibit 3) This report shows the movement of topics from phase to phase and, more importantly, demonstrates that systematic progress and, eventually, closure, is reached on each topic or issue. This is a powerful way to establish credibility for your system - to show that it works.

Teachers also need to be kept abreast of developments in curriculum. Each year, an issue of our staff bulletin is devoted to a complete update of curriculum work completed during the year. The system status report mentioned above is also carried monthly in the bulletin. Copies of all phase committee reports are filed in each building and reviewed by principals in faculty meetings.

Exhibit 3

# CURRICULUM MANAGEMENT SYSTEM

## Committee Status Report
May 1985

| Phase and Program of Instruction | Estimated Date Of Completion |
|---|---|
| **Curriculum Review:** | |
| Home Economics - Grades 9-12 | 06/01/85 |
| Industrial Arts - Grades 9-12 COMPLETED | 06/01/85 |
| Thinking - Grades K-12 | 11/15/85 |
| **Needs Assessment:** | |
| Computer Education: 3-5 year plan - Grades K-12 | 09/01/85 |
| Reporting System - Grades K-12 | 04/15/85 |
| Spelling - Grades K-8 | 09/01/85 |
| Alternative School Options - Grades 9-12 | 01/15/86 |
| **Goals and Objectives:** | |
| English - Grades K-12 | 06/01/85 |
| Social Studies - Grades K-12 | 06/30/85 |
| Reporting System Grades K-12 (Committee in process of being formed) | 09/01/85 |
| **Design:** | |
| Science - Grades K-6 | 09/01/85 |
| Music - Instrumental/Vocal - Grades 1-12 COMPLETED | 01/85 |
| Physical Education - Grades K-12 | 09/01/85 |
| Math - Grades 7-12 | 09/15/85 |
| Business Education - Grades 9-12 COMPLETED | 06/01/85 |
| Foreign Language - Grades 7-12 | 06/30/85 |
| Writing - Grades K-12 | 09/01/85 |
| Academically Talented - Grades K-8 | 09/01/85 |
| Art - Grades K-12 | 09/01/85 |
| Health Education - Grades K-12 | 09/01/85 |
| Library Program - Grades K-12 | 09/30/85 |
| Home and Career Skills - Grades 7-8 | 09/01/86 |
| Technology - Grades 7-8 | 09/01/85 |
| Special Education - Grades K-12 | 05/01/86 |
| Science - Grades 7-12 | 09/01/86 |
| English - Grades 7-12 (Committee in process of being formed) | 09/01/86 |

## CURRICULUM MANAGEMENT SYSTEM

Exhibit 3

### Committee Status Report

| Phase and Program of Instruction | Estimated Date Of Completion |
|---|---|
| **Implementation:** | |
| Computer Education | Ongoing |
| Social Studies - Grades K-6 (Formative Evaluation) | 06/30/85 |
| Young Kindergarten | 06/01/85 |
| AP Courses | 06/01/85 |
| Evaluation of CMS | 06/30/85 |
| Reading - Grades K-6 (Formative Evaluation) | 09/01/86 |
| High School Curriculum (Committee in process of being formed) | 06/01/86 |
| **Summative Evaluation:** | |
| Mathematics - Grades K-6 | 06/30/86 |

Community residents are kept up to date through articles in the district's newsletters and a comprehensive summary in the annual report. Curriculum meetings are also regularly scheduled by district and school PTA groups.

The goal of the many reporting activities is twofold. We are interested in reporting, and receiving feedback on, the details of our curriculum. More importantly, we want to convey that we are thoughtfully "on top of" and anticipating curriculum issues and changes.

A well-developed procedure to report the results and implications of your Standardized Testing procedures and results is also important. Actually, you have little choice in this now, inasmuch as the state has developed and mandated a new reporting format. Rather than accept it grudgingly, strive to use it to your advantage. Incorporate it into your system.

A comprehensive management system should provide specific procedures for the selection of textbooks and other materials. State law requires that Boards of Education must approve all textbook selections. Whatever selection process you choose should provide the best and most appropriate materials possible to support the curriculum's goals and design. It should also provide the Board with appropriate information to support your recommendations. In Pittsford, we have adopted two forms to assist us with the task. (See Exhibits 4, 5)

## CURRICULUM MANAGEMENT SYSTEM

Exhibit 4

### Instructional Materials Evaluation Checksheet

All Design Committees will use this checksheet to ensure that the necessary steps have been taken to present textbooks to the Board of Education for approval. All instructional materials legally classified as textbooks must be approved for use by the Board of Education. By law, the Board of Education may approve a textbook for a given course for a period of five years. A three-fourths vote of the School Board is necessary to supersede such adoption.

As the checksheet indicates, the Assistant Superintendent for Curriculum and Instruction must receive written recommendations following the format of the attached sample. This recommendation will be incorporated into the curriculum office Board report. Seven copies of the text must be received by the Assistant Superintendent two weeks prior to the Board meeting. The Board of Education may choose to approve the texts at that meeting or continue to review the text/instructional materials evaluation packet and approve or disapprove the textbooks at the following meeting.

_____ 1. Seven copies of the selected text have been collected.

_____ 2. Curriculum Office has been notified at the earliest possible date of the texts under consideration so that a price guarantee can be sought from the publisher.

_____ 3. One copy of the materials evaluation packet has been completed for each textbook evaluated.

_____ 4. A qualified staff member has been identified to carry out a readability study of the textbooks being considered for recommendation.

_____ 5. The Design Committee has established a process for the review and evaluation of the textbooks.

_____ 6. A description of the process is attached to this checksheet for forwarding to the Assistant Superintendent.

_____ 7. The written recommendation has been completed and is attached following the format described in the attached sample and includes:

a. A statement indicating the grade level and/or the course in which the selected textbook will be used.

b. A statement indicating the title, author, publisher, date of publication of the selected textbook.

c. A brief description indicating the number of textbooks evaluated and the process used to select the recommended text.

d. A listing of the titles and publishers of rejected texts.

e. A listing of the number of textbooks (teacher's editions, workbooks, etc. if desire) along with the unit cost and the total cost.

f. A statement indicating that the Curriculum Management System evaluation packet for the selected textbook has been attached.

It is recommended that the Board of Education adopt the following textbook for use in the Home Economics Program of Instruction.

| | |
|---|---|
| Title: | Economics of Home Management |
| Authors: | Smith, Brown, and Jones |
| Publisher: | Real Books, Inc. 1981 |

This textbook was selected by members of the Home Economics Design Committee and included R. White - chairperson, D. Green, P. Blue, and C. Quick. Ten other textbooks were evaluated using the Curriculum Management System instructional materials evaluation packet. Economics of Home Management consistently paralleled the content of the Home Economics course at grades 7 and 8 set forth in the Program of Instruction. Four of the ten textbooks were selected after initial screening by the Committee. The four finalists were screened in detail and the Real Book publication was ultimately selected.

This textbook offers the most up-to-date illustrations and terminology in the field of Home Economics. Written material throughout is at an appropriate level of difficulty for students of all ability levels.

Textbooks rejected by the committee:

Title: Home Management Economics
Great Books Co. 1933

Title: Management of Home Economics
Big Books, Inc. 1960

Title: Economic Management of the Home
Little Books Co. 1970

The cost and numbers of texts required are listed below:

Barker Road Junior High School

| Item | Number | Unit Cost | Cost |
|---|---|---|---|
| Text | 246 | $11.76 | $ 2,892.96 |
| Teacher's Edition | 2 | 13.20 | 26.40 |
| Lab Activities | 3 | 2.94 | 8.82 |
| Teacher's Manual | 3 | 4.80 | 14.40 |

Mendon Center Junior High School

| Item | Number | Unit Cost | Cost |
|---|---|---|---|
| Text | 235 | $11.76 | $ 2,763.60 |
| Teacher's Edition | 3 | 13.20 | 39.60 |
| Lab Activities | 3 | 2.94 | 8.82 |
| Teacher's Manual | 3 | 4.80 | 14.40 |
| | | Total | $ 5,769.00 |

Attachment A is a Curriculum Management System Instructional Materials Evaluation Packet for this text.

EXHIBIT 5

Title of material being evaluated

________________________________________

Publisher ________________________________________

Copyright date ________________________________________

Name of evaluator (s) ________________________________________

________________________________________

________________________________________

Group for which material is intended

________________________________________

Date evaluation was completed ____________________

Recommendation:

______ Adopt without reservation

______ Adopt with reservation as noted in accompanying report

______ Adopt as supplementary material only

______ Do not adopt for any use

## PROCESS FOR EVALUATING MATERIALS

1. Search for array of materials in program area under study. Determine how many materials should be studied.
2. Determine who will be involved in evaluating the material.
3. Have more than one individual evaluate each set of materials using the attached worksheets.
4. Complete the evaluation work sheets and submit final recommendations to the Curriculum Office.

## WORKSHEET FOR SELECTION OF MATERIALS

EXHIBIT 5

| | Excellent | Good | Average | Limited | Not at All | Does not Apply |
|---|---|---|---|---|---|---|
| **I. GOALS AND OBJECTIVES** | | | | | | |
| A. Are the goals and objectives of the materials clearly stated? | | | | | | |
| B. Did the publisher state clearly why this material was developed to meet a particular instructional need? | | | | | | |
| C. Are the goals and objectives comprehensive, including cognitive, affective and psychomotor dimensions? | | | | | | |
| D. Are the goals and objectives at varying levels of cognition? | | | | | | |
| E. Are the goals and objectives of the material compatible with the District's goals and objectives in this program area? | | | | | | |
| COMMENTS: | | | | | | |
| **II. ORGANIZATION** | | | | | | |
| A. Do the materials provide for adequate scope and sequence? | | | | | | |
| B. Is the design of the materials compatible with the overall organization of our desired curriculum? | | | | | | |
| C. Does the material help students integrate subject matter? | | | | | | |
| D. Is the material organized to provide for varying levels of student ability? | | | | | | |
| E. Is there articulation from one level to the next? | | | | | | |
| COMMENTS: | | | | | | |
| **III. INSTRUCTION** | | | | | | |
| A. Is the learning theory on which the material is based made clear? | | | | | | |
| B. Is the theory based on sound research data? | | | | | | |

EXHIBIT 5

| | Excellent | Good | Average | Limited | Not at All | Does not Apply |
|---|---|---|---|---|---|---|
| C. Is a variety of teaching techniques used, if appropriate? | | | | | | |
| D. Are the models of teaching used compatible with our goals and objectives? | | | | | | |
| E. Is the pacing of the materials appropriate for intended students? | | | | | | |
| COMMENTS: | | | | | | |
| IV. CONTENT AND ILLUSTRATIONS | | | | | | |
| A. Is the content accurate and current? | | | | | | |
| B. is the content bias free or are the values and biases made explicit? | | | | | | |
| C. Are the illustrations supportive of the narratives? | | | | | | |
| D. Do the illustrations carry positive messages about the sexes, races, religions and ethnic groups? | | | | | | |
| E. Are stereotypes and negative images of the sexes, races, religions and ethnic groups avoided in the text? | | | | | | |
| F. Are the readability of the narrative and the conceptual level of the content and illustrations appropriate to Pittsford students? | | | | | | |
| G. Are charts, maps and tables accurate and presented in a clear and concise manner? | | | | | | |
| H. Does the content include the major facts and concepts considered appropriate for Pittsford students? | | | | | | |
| I. Has the publisher utilized knowledgeable authors in developing the materials? | | | | | | |
| COMMENTS: | | | | | | |

EXHIBIT 5

| | Excellent | Good | Average | Limited | Not at All | Does not Apply |
|---|---|---|---|---|---|---|
| V. PHYSICAL FEATURES | | | | | | |
| A. Are the materials attractive to teachers and students? | | | | | | |
| B. Can the materials be made easily accessible for use? | | | | | | |
| C. Does the material appear durable? | | | | | | |
| D. Is the material easy to store? | | | | | | |
| E. Will students be able to utilize the materials without direct teacher supervision? | | | | | | |
| COMMENTS: | | | | | | |
| VI. LEARNING ACTIVITIES | | | | | | |
| A. Do the activities assist in achieving the goals and objectives? | | | | | | |
| B. Do the activities involve varying levels of cognition? | | | | | | |
| C. Do the activities involve students in the learning process? | | | | | | |
| D. Are the activities appropriate for children with learning problems? | | | | | | |
| E. Are the activities appropriate for gifted students? | | | | | | |
| COMMENTS: | | | | | | |
| VII. TEACHING AIDS | | | | | | |
| A. Is the teacher's manual written in such a manner as to be of maximum use? | | | | | | |
| B. Are references listed for teachers and students? | | | | | | |
| C. Does the book have accompanying audio-visual aids including records, filmstrips, tapes, etc.? | | | | | | |
| D. Are workbooks challenging for the student? | | | | | | |

EXHIBIT 5

| | Excellent | Good | Average | Limited | Not at All | Does not Apply |
|---|---|---|---|---|---|---|
| E. Are workbooks easily corrected by the teacher? | | | | | | |
| F. Is the teacher assisted in adapting the materials to individual differences among students? | | | | | | |
| G. Is an inservice program included or available if needed? | | | | | | |
| H. Will inservice be required in order to assist teachers to learn to use the materials? | | | | | | |
| COMMENTS: | | | | | | |
| VIII. EVALUATION | | | | | | |
| A. Has the field testing been done with a student and teacher population similar to ours? | | | | | | |
| B. Are methods and instruments to monitor student progess included as a part of the materials? | | | | | | |
| C. Does the material provide for pre-assessment as well as post-testing? | | | | | | |
| COMMENTS: | | | | | | |

Since this chapter is devoted to curriculum management, I should not really deal with staff development, budget, or supervision and evaluation. However, I would like to state that a good curriculum management system should be related and mutually supportive of strong systems in each of the three major areas. You will note, for example, that our curriculum management system makes specific provisions for developing staff training in the Design Phase. We will not implement any new or adjusted program without providing teachers with knowledge of the program - its goals, objectives, learning outcomes, activities and techniques.

I do not want to close this discussion without a brief look at some of the problems you may encounter along the way as you develop and use your system.

Good curriculum management requires time and thoughtful pacing.

Board members and staff members can become critical if they feel that the process is taking too long. This can be particularly true if a district has a history of "quick fixes", "jumping on the bandwagon", or "quick and dirty" curriculum committees or guides. It can take a year or two to proceed through a system if you are doing the job right. Be alert to the possibility of complaints. Point out that good products seldom come out of a rushed process; you can cite any number of local private efforts where the time from development to product is lengthy. After the system is working, people will begin to relate more comfortably to pace. Also, keep in mind that a good process should be anticipatory, rather than emergency, in nature. But, keep the process moving steadily. Do not let the criticism become prophecy.

Good curriculum management requires honesty and candor.

If you get distorted or dishonest data about the curriculum, the process is doomed from the start. As superintendent, you must create an environment where teachers can feel comfortably vulnerable about being candid concerning what is or is not working. If a board member blasts a teacher the first time the teacher gives an honest report, the process will shut down. Remember the purpose here is to become better. The lack of the right environment will always doom your district to "success" - that is, everything will always be right. We all know better than that. Everyone needs to know up front that the curriculum will never be perfect.

Good curriculum management will mean never getting total closure.

The task is never over. Establish this as part of the context in the beginning. In fact, the very essence of a good system is continuous review and attention. This does not mean that you will never achieve a course of study or expected learning outcomes. You will - at the end of the Design Phase. Then you will begin to systematically evaluate all over again.

Good curriculum management should be a public process.

Do I need to remind you of the problems in this area? You will probably be questioned sharply, even criticized. But you will be on the offensive. You will be operating systematically - on your terms - with your plan.

Good curriculum management requires the heavy involvement of teachers.

This can be a problem. Teachers in a small subject area, or in small districts, can be drawn in so much that they can "burn out" in the process. You will have to monitor and adjust for this, taking into consideration the resources in your district.

All, or any, of the above areas could become problems for you. However, if you anticipate them and plan accordingly, they can be significantly diminished or even eliminated.

Regardless of the size of your district, you, as superintendent, have a responsibility to develop a workable and understandable system for managing its curriculum. If you put it together carefully and nurture it with your support and the right environment, you will provide excellent and meaningful instructional leadership in your role.

# COMPUTERS IN INSTRUCTION

Judith Lasher Duken
Director, North Country Teacher Resource
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Plattsburgh, New York

and

Joseph S. Verdone
Superintendent of Schools
Sayville Union Free School District

## Introduction

The proliferation of computers into our society has been viewed by some as a watershed event comparable in its significance to the Industrial Revolution. Computers offer education an opportunity to incorporate technology into the school program for the general improvement of learning. The superintendent of schools has a responsibility to exert positive leadership to include instruction in computers in the school curriculum and to make the technology available to improve existing programs.

What factors should be considered in attempting to integrate technology into the educational environment? First, don't try to do it by yourself. Mobilize the experts on your staff to serve on a district-wide steering committee. The steering committee should be representatives of the faculty and include classroom teachers that are interested in computers but may be lacking expertise in their utilization. The computer steering committee should meet regularly and be responsible for recommending an overall instructional plan for the district. The committee should identify the hardware to be purchased, serve as a software clearing house, and make general recommendations for the delivering of instruction.

The steering committee faces a number of decisions regarding the type of equipment to be purchased. Should the district choose computer terminals that could be placed on line or purchase terminals with memory to serve as individual computer stations, or a combination of both? Another issue that must be confronted is whether or not initially to centralize the computers in one location or attempt to disseminate them into various classrooms. When a district has sufficient resources it is ideal to have computers in a central location where an entire class will receive instruction as a group. A school should provide for the flexibility of having computers available for use in the individual classroom.

How should computers be integrated into the school's instructional program? A comprehensive plan will recognize that computers may complement regular classroom instruction. In addition to teaching the basic skills of programming, the school should consider the integration of the computer into the classrooms to assist the teachers in their daily instruction, and provide students with experiences in computer applications. Computer application courses (word processing, data base, spreadsheets, graphics, telecommunications, etc.) are the most popular computer courses with students, teachers and adults. Computer Managed Instruction (CMI) and Computer Assisted Instruction (CAI) are often overlooked in the district's urgency to teach programming and computer application to the students.

The implementation of an effective instructional program utilizing computer technology requires a substantial commitment on the part of the Chief School Officer and the Board of Education. A financial commitment must be made not only for the purchase of machinery and software, but for the training of the faculty. The implementation plan should include a component to deal with the general public through adult educational programs. Involving the public in such programs will help to provide stronger support at budget time.

Having the equipment and software for implementing a program is the easy part. Developing the appropriate teacher attitudes and skills for using technology is the major task. The training of teachers presents a whole series of questions that should be addressed. In trying to decide who should provide the inservice training, the first place to look is in your "own backyard". Outside consultants have their place, but teachers can readily identify with one of their own colleagues when it comes to the concrete explanation of how computers may assist them in improving the instructional program. School districts may also consider tapping the resources of Boards of Cooperative Educational Services and Teacher Centers for staff development. Teacher training cannot be overemphasized.

The North Country Teacher Resource and Computer Training Center was funded by the State of New York to provide assistance to school districts for the implementation of computer technology. It serves as a good example of what school districts may accomplish by cooperating on a regional basis. Teachers and administrators from over 30 school districts formed a consortium to perform a regional needs assessment in the area of technology, develop and refine computer curriculum, and conduct teacher inservice training. The consortium included a linkage with two BOCES Centers as well as with the State University of New York at Plattsburgh.

Judith L. Duken, the Director of the North Country Teacher Resource and Computer Training Center, has been responsible for the administration and coordination of the Center. Mrs. Duken's experience includes working with faculties from different types of school districts, including school districts that have just started to consider the implementation of computers to school districts that have very sophisticated programs in place. The Teacher Center has made a most positive contribution to both types of programs and has significantly improved education by making technology a centerpiece of instruction. In the following position paper, Mrs. Duken shares her expertise and experience in implementing and incorporating computers in instructional programs.

# COMPUTERS IN INSTRUCTION

Today's emerging technology represents the most significant anticipated change in the delivery of education since the invention of printing. Educators will not be able to ignore the computer's capability to manipulate numbers, words and ideas. No governmental unit, industry, education, or home will be able to interact effectively, or even "keep up" with its environment, without the computer advantage. The increasing perception that individuals with computer interest, ability, and skills will have a marketable and performing "edge" motivates parents to seek this advantage for their children. Responsive educational systems will attempt to provide students with the knowledge and skills necessary to possess this advantage.

## Potential of Computers in Instruction

Computers can create powerful new learning situations that were previously considered beyond the reach of schools. With them one can simulate genetic experiments stretching over hundreds of generations, or study nuclear reaction, or other topics that would be too dangerous or otherwise impossible in regular laboratory environments. Their medical imaging capabilities enables study, research, and treatment recommendations based on actual observations of human internal systems.

Computers can be used to connect with data bases for economic projects that provide "up-to-the-minute facts", or receive information on research that is in progress. Data base sources exist in all areas of academic pursuit that can be accessed quickly via a simple modem (telephone/computer) connection. This same connection enables communication to occur between local or distant peers and/or mentors that can facilitate projects and learning models presently existing only in the minds of our most visionary educators.

Professionals involved with the work of the Curriculum Development Committee of the North Country Teacher Resource and Computer Training Center (NCTRC) have identified the Big Three: Data Base, Spread Sheet and Word Processing capabilities of the computer as possessing the greatest potential for integration into K-12 Education and having the greatest potential to improve instruction and/or learning throughout the grades.

The Data Base is conducive to a variety of creative approaches for gathering, organizing, analyzing and formatting research data. The Spread Sheet fosters futuristic planning and analysis of "what if" types of problem solving that relate to economy, budgeting and other mathematical relationships. The potential impact of the computer on writing skills however, may be all a school district need ever consider to justify microcomputer commitment. Word Processing capabilities and printing formats can reverse a student's negative attitude regarding compositions, research reports and creative writing. It takes the drudgery out of writing and produces attractive "drafts" that, in themselves, motivate continued efforts to improve. Spelling checkers have added another dimension to the writing process. Are they a crutch or do they contribute to spelling awareness? Advocates state that spelling checkers point out misspelled words which in all likelihood would have gone unnoticed, therefore prompting the writer to make corrections. Users of these programs indicate that this new awareness has contributed to a decrease in repetitive spelling errors and has facilitated increased attention to spelling accuracy.

Maximizing these capabilities can make existing learning models obsolete. Gregory M. Benson, Director, Center for Learning Technologies, New York State Education Department, projects that future curricula will be designed with computers in mind. Accepting this premise, there is much to do.

### Factors Affecting Computer Implementation in Schools

The computer, indeed technology in general, is not a panacea for education, however, it is endorsed as the most prestigious professional tool now available for improving educational services. If there is general consensus that computers present significant potential, then factors impacting on this potential should be carefully considered.

There is no clear path or model for direction during this era of technology revolution and educational leaders will be called upon to take significant risks. In an effort to diminish these risks, it is suggested that the following factors be addressed during stages of computer implementation.

1. Teachers educated in computer application. Consider:
    a. Inservice education programs that
        1) Are required and/or frequently available
        2) Provide district incentive as:
            a) Inservice and/or college credit
            b) Honorarium
    b. Opportunities for teacher recognition, encouragement and leadership via:
        1) Staff sharing of exemplary applications
        2) Media announcements
        3) Board information sessions
        4) District-wide planning involvement
        5) Conference attendance for teacher leaders

2. Equipment accessible for teacher and student. Placement considerations in addition to computer labs include:
    a. Neutral locations, as library, media centers, etc.
    b. Subject classrooms as science, English, etc.
    c. Mobile units that can "float" to various locations

3. Equipment updated to current software requirements and sufficient in number to meet access needs. Consider:
    a. Memory
    b. Printers and other peripheral devices
    c. Equity of distribution
    d. Mobility

4. Curriculum development that plans for:
    a. Computer integration into existing curriculum
    b. Computer literacy "stand alone" curriculum
    c. CAI services

5. Software that assures quality, relevance, and reasonable quantity.

6. Space and environmental conditions that consider:
    a. Work space enabling two students to a computer
    b. Electrical hook-ups that guarantee uninterrupted service
    c. Labs with:
        1) Demonstration monitors
        2) Capability for work station monitoring/sharing
    d. Limiting dust and static build-up by:
        1) Overhead projectors instead of chalkboards
        2) Tile floors instead of carpeting

7. Equipment repair/maintenance service and quality control of utilization

8. Maximum equipment/software utilization by considering:
    a. On-site availability during non-school hours:
        1) Evenings
        2) Weekends
        3) Holidays
        4) Early morning
    b. Equipment loaning programs
    c. Volunteer supervision of non-school hour programs
        1) Parents
        2) Senior citizens
        3) Service organizations

9. Equitable student utilization plans that can respond to all computer capability requests

10. Political problems:
    a. Turf issues must be transcended, such as:
        1) Keyboarding may have to be taught by others outside the Business Department. It is recommended for introduction to intermediate students.
        2) Programming, particularly elementary LOGO, may need to be taught by others outside the Math Department.
        3) Word processing is useful for all students, not just those in clerical, business or English classes. It is suggested that it be introduced in the elementary classroom for developing early writing skills and attitudes.
    b. Inservice education may have less traditional design. The more traditional inservice programs provided by schools of education via graduate courses, workshops, seminars, etc., are not readily available in the area of computer

education as college professionals are experiencing deficiencies in the knowledge of technology similar to those of staffs in elementary and secondary schools. School districts may have to select or design alternate forms of staff development. The following considerations may help:

1) The 57 New York State Teacher Centers, coordinated by the State Education Department, can be requested to address the computer education needs of teachers. (Contact: Dr. Helen Hartle, Coordinator of Inservice Programs, Division of Teacher Certification, State Education Department, Cultural Educational Center, Room 5 A11, Empire State Plaza, Albany, New York, 12230) The North Country Teacher Resource Center in cooperation with the Education Center and Computer Science Department at SUNY, Plattsburgh, is demonstrating educational leadership and linkages by developing programs for regional teachers that are unavailable in many other state and national institutions of higher education.
2) CLT (Center for Learning Technologies) of the New York State Education Department, Cultural Education Center, Albany, New York, provides up-to-date inservice opportunities for educators.
3) Teachers teaching teachers (Self taught experts, or teachers completing inservice education, can be identified for providing "turn-key" education to their peers).
4) BOCES may be requested to develop conferences with "national" experts for shared regional staff development.

State educational boards and colleges are deeply involved in designing and implementing a change model for facilitating effective use of educational technology. Full implementation, however, will take years to achieve.

Until this teacher education deficit is fully addressed, and resources are equitably available, school districts will need to create their own design for quality delivery of technology education.

## The Complexity of the Problem

Implementing school system curricula changes and/or additions that include microcomputers is far more complex than developing and implementing a new social studies curriculum. Although planning is still an essential element of the process, long-range planning may be impossible. Change models in this area of educational development are practically nonexistent and, where they do exist, may not apply, as resources, staff experience, and other differences preclude relevant comparisons.

Most curriculum changes occur gradually and come as a result of an internal process planned by professionals in a school district. Computer related curriculum on the other hand, seems to attract attention of external constituencies, particularly parents and media. This element of interest and inquiry can be both facilitating and detrimental. Caution is needed when responding to these "public pressures" that protects the integrity of all educational goals, not just those articulated by a public advocacy.

Few teachers presently come to their positions with a knowledge of what to do with computers in their classroom. State education requirements are being studied and developed that should expedite and facilitate continuity of efforts by higher education and school districts. In the meantime there are limited examples of what is "right" for a school system desiring to address the computer academic/utilization area. It seems clear that school districts will have to provide opportunity for "learning" while "planning and designing" is in progress.

Initial purchases of hardware and software may have to occur without full knowledge of their appropriateness. Adequate time has to be provided for experimenting with these acquisitions as well as a supportive atmosphere that recognizes mistakes and failures as necessary components of success. Grand scale, district-wide purchases and endeavors therefore must be deferred during "pilot" studies and/or experimental activities. Once again it would be useful and efficient to call upon the same agencies suggested previously, such as the State Education Department, as resources for assistance. Regardless of the extent of consulting activities, however, the "Experimental Stage" is an essential ingredient in achieving full implementation, and some form of it must occur if district ownership and commitment are to be effected.

The North Country Teacher Resource Center is involved in three concurrent projects intended to assist school districts during Implementation Stages. The service areas are:

1. Computer Inservice Education
2. Curriculum Development
3. Computer Applications Research and Planning

## NCTRC Computer Inservice Education

Computer Inservice Education for teachers takes the form of a Level 1, 3-graduate credit or inservice credit literacy course, designed by North Country teachers in cooperation with SUNY at Plattsburgh. This survey course consists of a variety of knowledge and application components generally agreed to be essential competencies for educators implementing computers into instruction. Its content is compatible with the literacy levels required to implement NCTRC's emerging Curriculum Model, and clearly addresses much more than the minimum literacy competencies identified for teachers by Robert Taylor, Teachers College, Columbia University. A brief summary of these minimum competencies may be useful for districts involved with inservice design. They are:

- Be able to use educational software and its documentation
- Know what kinds of problems a computer can and cannot solve and why
- Have a good working knowledge of computer terminology
- Be able to discuss the history of computers and its relationship to education
- Be able to identify and determine the value of different sources of information about computers
- Be able to discuss the moral issues of computers as they relate to society and education
- Be able to read and write a simple program

Level 1 Inservice courses have been provided at five satellite centers in the North Country region. The intent is to continue this service until the demand is met. Level 2 courses have also been designed, in cooperation with SUNY at Plattsburgh, and are similarly available for computer inservice education. They provide focus on selected computer educational literacy concentrations previously introduced as components of the survey course. Areas of Level 2 advanced study include K-12 applications of word processing, data base and spread sheet; classroom K-8 LOGO applications; and integrated graphic-text utility programs for K-12 teachers and students.

As one might expect, computer literacy programs for educators have distinct and essential differences to those designed for computer science majors. Attempts to reach course content consensus for these two separate missions would demand an unacceptable compromise to the integrity of each discipline. There is however an area of emerging educational specialization that will require teachers to be computer science literate. The Stand Alone Junior and Senior High computer curriculum courses that offer BASIC and PASCAL programming languages, and particularly the AP (advanced placement) sections, need teachers educated for this challenge. Unfortunately teachers desiring this education often have no alternative but to enroll in undergraduate computer science courses as their source of preparation. This is an unattractive choice for graduate educators and needs to be addressed by institutions of higher education. NCTRC is pleased to contribute to efforts to confront this deficit by participating in joint meetings being held at SUNY, Plattsburgh by the Deans of Arts and Science and Professional Studies that bring together faculty of the Education Department with inservice needs of practicing teachers and to plan for improved computer education of preparing teachers.

## NCTRC's Curriculum Development

NCTRC's Curriculum Development has occurred during the same time period as NCTRC Inservice Education. Both efforts are designed with compatible philosophies. The development committee has identified three classifications for computer implementation that parallel Robert Taylor's "Tutor, Tutee, Tool" model (Taylor, 1980).

1. CAI (Computer Assisted Instruction) - (Taylor's "Tutor" Model indicates that in this utilization the computer is acting as a tutor. It presents material, evaluates results and selects new materials based on student responses.)
2. Computer literacy as a Stand Alone Curriculum - (Taylor's "Tutee" Model calls for the student learning how to teach the computer, via programming and problem solving. The student will teach the computer to do something in an original design that achieves a goal or solves a problem. The computer could also be an object of study in this category, giving consideration to its evolution and societal impact.) The LOGO strand of the NCTRC curriculum model is recommended as a component in a stand-alone curriculum; however, its present design for field testing supports the integrated approach.
3. Computer Integration into all academic curriculum - (Taylor's "Tool" Model uses the computer capabilities as a teaching tool to achieve academic objectives in all disciplines and at all levels.) This approach to computer implementation is generally software dependent. It is particularly appealing to the elementary teacher who fears that one more additional curriculum area will be imposed on an already overtaxed day. Computer literate elementary teachers recognize that the computer can greatly contribute to existing curriculum while concurrently meeting computer literacy objectives.

It is recommended that school districts involved with computer implementation activities read Robert Taylor's text as a foundation and research base for decision-making in this pioneer area of education.

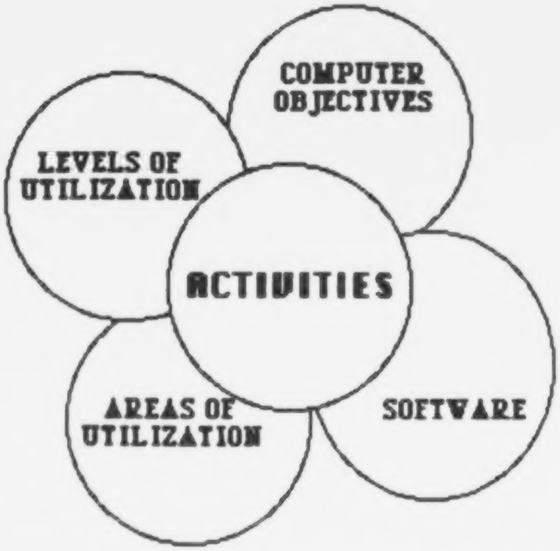
Although a school district could identify with any one or combination of the computer implementation approaches: CAI, Stand-Alone Curriculum or Integrated Curriculum; it seems appropriate that all three areas be analyzed and matched to learning styles and academic capabilities of students in a district, building or class. All students need not have opportunities in each of the computer implementation categories as it may not be appropriate or educationally sound to do so.

Many districts have already initiated some form of CAI and Stand-Alone courses (programming) with measurable success. BASIC, PASCAL, and in small measure, LOGO courses have been, or are being, designed for Junior and Senior High students. There is, however, one computer course that has not been generally addressed at this level. An elective, one-semester course is recommended that will teach students to use computers to do tasks beneficial to academic advancement and/or skill development for success in the marketplace. It is suggested that districts interested in this course review the report of John Bromley and John Lakatos. (Bromley and Lakatos, 1985)

NCTRC has considered computer curriculum progress of regional schools in efforts to analyze what its curriculum focus should be. This study has included reviewing numerous curriculum plans, district visitations, and regional meetings. The Curriculum Committee commitment to the "Integration" (Tool) implementation approach is an outgrowth of these activities. The Committee believes that computer integration can provide something for every student, within all disciplines, and at all levels, therefore possessing the greatest potential for student impact. They recognize that districts may avoid the integration model as complex and arduous to achieve, confirming the need for NCTRC to help districts transcend this complexity by providing professional leadership and expertise. The NCTRC Curriculum Model addresses this goal.

## NCTRC Curriculum Model

NCTRC's K-12 Computer-Based Curriculum is an activity centered model as illustrated:



**ACTIVITY-CENTERED DATA BASE**

**The NCTRC Curriculum Data Base will reference computer activities in all four selection areas:**

1. **Computer literacy Objectives**
2. **Levels**
3. **Areas**
4. **Software**

Although activity centered, this model has not ignored computer literacy objectives. Teachers preferring to use computer activities in literacy sequence can do so with this model. It is the belief, however, that teachers will identify subject objectives for selecting computer activities and that computer literacy objectives will be monitored as secondary goals.

The Curriculum Model was designed to recognize teaching style diversity by enabling educator utilization from several philosophical levels of application as well as adaptation levels that enable full or partial implementation.

Philosophical Levels

Select Computer Integrated Activity by:

1. Computer literacy objective
2. Subject matter objective
3. Software capability as: Word Processing, Data Base, etc.
4. Student academic level

Adaptation Levels

Utilization of Curriculum Model can be done by:

1. District
2. Building
3. Teacher in all subjects
4. Subject teachers
5. Other

A data base has been structured for referencing all of NCTRC recommended "computer activities" in four selection categories:

1. Area(s) of utilization (subject being taught) - NCTRC has referenced over 30 instructional areas.
2. Level(s) of utilization:

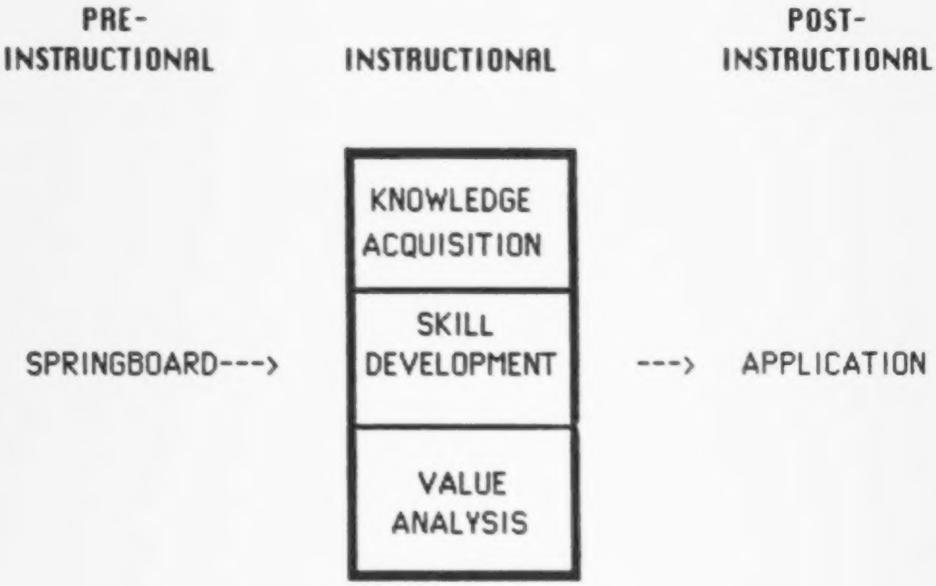
| | |
|---|---|
| P = Primary | K-3 |
| I = Intermediate | 4-6 |
| J = Junior High | 7-9 |
| H = High School | 10-12 |

3. Computer Literacy Objective(s) - Over 130 objectives have been coded according to Bloom's Taxonomy and arranged in 4 developmental blocks within each of the following classifications:
   H = Hardware
   S = Software
   P = Programming
   I = Issues
4. Software package required

The Data Base will identify activities by number in response to one or more selection categories. A word processing print-out of every activity approved and coded for the Data Base will be available. Worksheets and other relevant materials will accompany the activity print-outs.

NCTRC Curriculum Development Committee's activity-centered philosophy is provided support by Don G. Rawitsch's (Don G. Rawitsch is manager of User Services, Minnesota Educational Computing Consortium, St. Paul, Minnesota, 55113.) computer instructional example: "Computing activities fit into an educator's instructional plan just like any other learning activity".

"Research demonstrates that activities can be thought of as fitting into an instructional sequence" (Glenn, 1977) as follows:


PRE-
INSTRUCTIONAL
INSTRUCTIONAL
POST-
INSTRUCTIONAL
SPRINGBOARD--->
KNOWLEDGE ACQUISITION
SKILL DEVELOPMENT
VALUE ANALYSIS
--->
APPLICATION

"A computing activity can be used at any place in such a model. For example:

| | |
|---|---|
| Springboard . . . . . . . . . . . . . . . . . | Can be a computer simulation |
| Knowledge or Skills . . . . . . . . . . . | Can be computer tutorials and drills |
| Application . . . . . . . . . . . . . . . . . | Can make use of data analysis computer capabilities" |

"Showing that a general instructional model applies to computing activities just as well as to non-computing activities helps to emphasize that computing does not take an educator off already familiar ground."

The NCTRC Curriculum Model is being field tested during 1985-1986 and is expected to provide a plan for integration that can be implemented by a school district at their desired adaptation level.

Field testing packages have been prepared for the research project that will be coordinated by SUNY, Plattsburgh. The evaluation process in the research design will contribute further to the curriculum model. A premier copy of the K-12 Computer-Based

Curriculum is planned for the 1986-87 academic year; however, NCTRC intends that this curriculum model be a constantly evolving document, improved and modified by school districts as the computer/education partnership is explored, tested and established.

NCTRC Computer Applications Research and Planning

The third NCTRC component for facilitating computer implementation into schools involves computer applications research and planning activities. This endeavor takes the form of software evaluation, hardware experimentation; and general computer demonstrations. These activities are likely to occur at school districts during the "experimental stage" of computer implementation. Although districts are encouraged to maintain some level of involvement in this endeavor, it is suggested that intensive and costly efforts be left to agencies trained and supported for this purpose. The State Education Department is a logical leader for providing these services.

Questions continue to plague school administrators and educators interested in educational/technology pioneering. How should the use of computers be implemented into instruction? Are there exemplary models? Who and where are the sources of reference for guidance and assistance in this complex process? Whatever the responses or directions chosen by a school district, it is clear that success is dependent upon three over-simplified, yet profound influences:

1. Commitment and knowledge from superintendents and school boards;
2. Involvement by administrators and teachers that promote "ownership";
3. "Long-term support" activities that include multi-year budgeting for program leadership, staff development, hardware/software acquisitions and space allocation.

The building administrator's leadership role in the computer integration process is paramount to successful computer implementation in schools. Unlike teachers, the administrator does not have to be computer literate to achieve this success. L. David Weller and Delores M. Wolfe (L. David Weller, Middle School Education, University of Georgia, Athens; and Delores M. Wolfe, assistant professor, Department of Curriculum and Instruction, University of North Carolina, Charlotte.) present a 6-step planning model for principals that is worth consideration. A brief description of their model is as follows:

1. Provide opportunity for experience and observation of how microcomputers work effectively for educators.

2. Facilitate demonstrations of computer utilization that promote:
   a. Drill and practice;
   b. Problem solving and critical thinking;
   c. Positive attitudes and values regarding computers.

3. Foster positive attitudes by parents and other community support groups.

4. Initiate a software selection process that involves teachers evaluation curriculum relevance. Established criteria is available.

5. Develop a systematic approach with faculty for introducing computers into the classroom.

6. Design a plan with teachers, parents, etc., for evaluating the progress of implementation.

Since there doesn't appear to be any easy or quick way for a school district to move from its initial experimentation stage to full implementation, it may be beneficial for administrators to read Sheila Cory's article on the 4-stage model of development (Cory, 1983).

## Selecting the Right Hardware/Software

Selection of hardware and software is an important and complex process. Evaluation criteria are often interrelated, complicating the ability to reach clear decisions.

Evaluation of software and hardware should be an ongoing effort, however, it does seem to be a misuse of time if everyone is participating in this activity. Professionals with purchasing responsibility should have the training and understanding for this process, but, efficiency and effectiveness might be better served if outside groups, presently conducting these evaluations, be called upon for this task rather than duplicating energies, time and money to reach similar conclusions. A phone call, accessing a data bank or subscribing to a service are three good avenues for receiving up-to-date reviews. Sources could include:

1. State Education Department
2. Computer Literacy Courses
3. Teacher Centers
4. Curriculum Models
5. Regional Micro Users in Schools
6. Workshops
7. Computer-Using Educators' Groups
8. Software Distributors
9. Educational Computing Conferences

There are several levels of guidelines and criteria for selection of hardware. The first and foremost consideration must address:

1. Computer Implementation Goals (What the computer is expected to do); and

2. Software Requirements needed to address these goals. (Desired software may have specific hardware needs.) Software requirements may often be the determining factor for hardware decisions. Their importance should not be underestimated.

Implementation goals, previously addressed in general categories are specifically identified by Gary G. Bitter and Ruth A. Camuse. Their literacy text contains a comprehensive source of information for designing a selection process for hardware and software. It includes well defined criteria and detailed sample forms for making evaluations, comparisons and decisions in this important process (Bitter and Camuse, 1984).

## Conclusion

Will schools of the future confirm that today's emerging technology effected revolutionary changes in the delivery of education? Or, will this great potential for education repeat the failures of previous technology promises for radios, films and television? Will the full potential of the computer as a tool for doing all kinds of intellectual tasks not be realized?

NCTRC predicts that the computer will not become just another piece of machinery that sits in closets or on shelves collecting dust if districts consider carefully and comprehensively their alternatives for curriculum implementation. The plans and processes for such implementation are emerging throughout the country and working/evolving models, such as that proposed by NCTRC, can be useful agents for district consultation.

Leadership will determine the content of chapters written by future historians that relate to impact of computers in instruction. Fortunately, educational technology pioneers, possessing rising levels of expectation and visions of "what can be", are taking leadership risks on behalf of us all. Realistically they recognize that only dirt roads have been opened to this new territory and there's much to emerge and build before super highways are completed. Nevertheless, they are confident it is the right road and strongly urge a positive response to the challenge of Gregory Benson:

> "... we must encourage ourselves to be thoughtful risktakers, willing to make and mold tomorrow's opportunities for improved learning for all youth and adults if we are to realize that vision...
>
> "... we need to create and encourage pioneers in the area of educational applications to pursue and achieve, through thoughtful planning, our vision for providing students with exciting intellectual learning opportunities that the technological capacity currently allows and will surely provide in greater measure in the very near future". (Benson, 1984)

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# Student Affairs

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# DISCIPLINE IN AMERICAN SCHOOLS

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## Introduction

In recent years, a number of formidable problems have confronted American education. Declining scores on standardized examinations have raised concern for the quality of curricula and effectiveness of our current core of practicing educators. Drug use, school violence are also cited by the general public as a major area of concern in today's schools. Financial issues also threaten to undermine the support of public and private schools. These problems combined have drawn much attention in the media and have stimulated questions and demands of parents, teachers, school boards, and administrators.

Yet, as important as they may seem, these issues do not constitute what a large portion of the public believe to be the single major concern facing American education. That issue, the lack of discipline in schools, is often conveniently ignored during abstract discussions of the philosophy or the sociology of the learning process. However, the issue of discipline affects the learning process as much as concerns related to test scores, drug use, and school violence and the other areas so often hyped by those assessing current schooling in America.

From one perspective it is difficult to believe that discipline can be the major issue confronting schools today. The advance of technology and the outpouring of research concerning numerous aspects of education seem to have placed learning above the level of such basic human behaviors. The general sophistication of Western society appears to have outgrown the impulses to disorder which have plagued earlier times and cultures.

However, the magnitude of the discipline problem is inescapable. For the last several years the Gallup poll of public attitudes toward education has identified the lack of discipline as the biggest problem confronting public schools. Generally, next to discipline, the public has identified three additional concerns: the use of drugs by students, the lack of financial support for education, and the integration of schools as significant problems. Yet the size of the group which has named discipline has been double that which named each of these factors. (Gallup, 1975)

It should not be assumed that the public is alone in its concern for school discipline. Public school teachers and administrators have also voiced alarm at the problem. One teacher wrote:

> "I conclude that most of the students have no respect for any person or thing - not even for themselves. Children defy teachers openly and loudly with the most obscene of the obscenities, with taunts, and their own cruel kind of putdowns and physical assaults."(Halsted and Street, 1977)

## Dimensions of the Problem

While surveys and individual opinions such as those cited above call attention to the magnitude of the discipline problem, research has delineated the extent of the situation. Since the closing years of the 1960's, various investigators have attempted to quantify the limits of school disruption. Early in 1969 the National Association of Secondary School Principals, after surveying conditions in more than 1,000 high schools, reported that 59 percent of the high schools and 56 percent of the junior high schools contacted had experienced some form of student protest. (Bailey, 1973) A short time later, Alfred Westin, at the Center for Research and Education in American Liberties at Columbia University, concluded that 348 high schools in 38 states had undergone some form of disruption in the period between November 1968 and February 1969. Westin added that 239 of the schools surveyed had suffered episodes of "serious proportions". (Westin, 1970)

The most comprehensive study of student disruption carried out during the 1960's was implemented by the House Subcommittee on General Education during the year 1968-69. The Subcommittee sent a questionnaire concerning disruption in education to all the Nation's 29,000 public, private, and parochial schools. In compiling the results of its survey, the Congressional subcommittee defined disruption as specific activities such as strikes, boycotts, sit-ins, rioting, and arson. Tabulation of replies to the survey demonstrated that 18 percent of the schools responding had experienced "serious protests". Major issues of these protests included disciplinary rules, dress codes, school services, and curriculum policies. (Bailey, 1973)

Another major survey followed the Congressional investigation. This analysis, implemented by the Syracuse University Research Corporation, focused on disruption in urban, public secondary schools. Returns from the study showed that 85 percent of the schools responding had experienced some type of problem in the period between 1967 and 1970. Particularly striking was the incidence of serious offenses among those problems identified. A full 11 percent of the public, urban secondary schools which responded reported experiencing rioting; 21 percent noted that arson had occurred; 29 percent reported student-teacher physical confrontations; 56 percent confirmed the existence of substantial property damage other than arson. (Bailey, 1973)

The volume of research concerning disruption in the schools has lessened during the 1970's and 1980's. However, investigations which have occurred demonstrate that the problem has not abated. Reports from the National Association of School Security Directors indicate that during the period between 1970 and 1973, the incidence of various categories of crime committed in schools increased at rates ranging from 58 percent to 117 percent. Statistics compiled by the Senate Subcommittee on Juvenile Delinquency for the three year period ending in 1973 revealed that the following increases in specific categories had occurred: weapon confiscations, 54 percent; assaults on students, 85 percent; assaults on teachers, 77 percent; robberies, 37 percent; rapes and attempted rapes, 41 percent; homicides, 18 percent. (Oldham and Oldham, n.d.)

As the decade of the 1970's closed, the wave of disruption plaguing primary and secondary education showed no sign of abating. As we now proceed through the middle eighties, this trend of general disruption has unfortunately become commonplace in some schools.

During 1983 the Cabinet Council on Human Resources was directed by President Ronald Reagan to investigate and report on the status of discipline in schools. The findings and policy recommendations of this committee, forwarded to Mr. Reagan in January, were the subject of a Presidential radio address to the public. The report from the Cabinet CCHR Committee, entitled "Disorder in Our Public Schools", painted a "disturbingly gloomy picture of chaotic schools, victimized students, frightening teachers, and hamstrung administrators." The report further urged the federal government to make a "sustained effort to focus national attention on the problems with American education". (Educational Research Service, 1984)

In addition to calls for tuition tax credits, prayer in the classroom, and merit pay for teachers, the Reagan administration has identified the problem of discipline as a major area for "a grass roots revolution that promises to strengthen every school in the country". The February 1984 edition of Paragraphs, published by the National School Public Relations Association (NSPRA), indicated that "President Reagan, the White House Staff, the Department of Education, and the Department of Justice have begun to implement a major initiative designed to focus public attention on the issue of school discipline." (National School Public Relations Association, 1984)

It is interesting to note that "Disorder in the Public Schools" relied primarily on data collected in the 70's. It has been criticized by numerous educators as distorting the true picture of the positive changes instituted in the schools. Yet Scott D. Thompson, Executive Director of the National Association of Secondary Principals, in reacting to the report, stated that"

> "We Americans have bungled this whole matter of setting expectations for student misbehavior at school — giving the growing importance of teaching in our nation's economic and social and political future, it is a serious problem of major consequence as well.
>
> We simply must screw up our courage, take the real problem out of the closet and formulate a solution. Otherwise, the conditions of teaching will continue to be seriously deficient despite the best intentions of national reports including "Disorder in Our Public Schools". (Educational Research Service, 1984)

## Responses to the Discipline Problem

The perception of the general public is clearly that a wide range discipline problems exist in the nation's schools as well as in general society. Implicit in these discussions, however, is the notion that such diseases need not be fatal.

A great deal of research, articles in professional journals, and practical examples from individual schools contain suggestions and the current practices regarding discipline in the schools. Subjects of this material range from advice for individual teachers to policies for consideration at the district level.

Once the district agrees that action against the discipline problem is possible, the character of such action becomes the issue. Various groups and individual authorities have seen a relaxation of controls as the answer to disruption. Others have argued that only stringent measures can stop this disturbing trend.

Among the most outspoken proponents of encouraging better behavior through liberalizing the educational process is author Charles Silberman. Silberman has concluded that American schools transmit values of "docility, passivity, and lack of trust". Silberman and other liberal thinkers claim that if education is freed of what they see as demeaning rules and regulations, students will cope with and benefit from greater responsibility. They point out that "repression has failed anyway", and that "even difficult and disruptive students can respond to an atmosphere of trust". (Silberman, n.d.)

A considerable body of thought and evidence supports certain aspects of the liberal approach to discipline. Obviously, no one can be forced to learn if he or she refuses. Ronald Abrell points out that "coercion is unhuman and rarely works". (Abrell, 1976)

Experimentation with various types of extremely disruptive children has demonstrated that trust-oriented approaches may have some efficacy. Through the use of parents and peers, numbers of deviant behavior episodes of disruptive children have been reduced. (Walker, 1979)

While much of the interest generated by the liberal approach to school discipline has focused on specific psychological difficulties, another wing of the movement has assumed a legal bend. Proponents of this approach argue that the decline of in loco parentis, the doctrine through which the school acted as a second parent, has opened the way for student responsibility. They suggest that young people have employed disruption, not to create anarchy but to secure their just rights within an orderly educational society. A prime focus of this viewpoint is the United States Supreme Court's decision in Tinker v Des Moines Independent School District and subsequent rulings which held that "neither the constitution nor the Bill of Rights is for adults alone". (National School Public Relations Association, 1973)

One believer in the efficacy of student responsibility, Charles Harrison, points out that recent patterns of disruption, in the longterm, may be channeled into positive and productive action. He has seen the activism and aggressive behavior of young people as a force with enormous potential for American education. (Harrison, 1971) The biggest question surrounding the student rights approach seems to center on the extent to which students, as novices, have a right to shape the cirricula which they are only beginning to explore. (Berger, 1976)

The psychological and legal wings of the liberal approach to disruption in American schools share the conviction that drastic changes in approaches to students are necessitated by present conditions. Both view the present pattern of disruption as evidence that traditional approaches have failed.

While liberal thinkers have searched for new perspectives concerning school discipline, what might be called the conservative approach to the situation affirms that the problem can be resolved through traditional approaches. Like the liberal viewpoint, the conservative position has assumed varying forms which relate to specific aspects of the problem.

In its most extreme form, that which lies directly opposite the opinions of Silberman on the philosophical spectrum, the traditional position becomes one of law enforcement. Particularly in response to school vandalism, an increasing body of research has focused on use of behavioral science and modern technology to bring about apprehension and punishment of offenders. For a number of reasons, this reaction to the discipline situation was probably inevitable. Damage to educational property is becoming so widespread that its costs alone justify the use of sophisticated techniques to stop its spread. Increased interest in laws which extend full adult penalties to youthful offenders also reflects the public's opposition toward disruption and destruction of property. (Neill, n.d.)

Other approaches to support of traditional means of disciplines have altered the forms, without changing the purpose, of school regulations. Various school districts, for example, have experimented with student security forces, the use of young people to supervise the implementation and enforcement of standards of conduct within classrooms and school buildings. In most cases, such systems have not been adequately tested. A number of high schools in the Detroit area, however, have reported that youthful supervisors are more effective than their older counterparts. (Bailey, 1973)

Beyond actual law enforcement units, procedures such as corporal punishment and suspension of disruptive students have received considerable attention during recent years. The issue of corporal punishment has often become controversial. Few authorities are enthusiastic about the practice. Published comments on the subject are generally negative. Proponents of the practice agree that it may be distasteful, yet point out that, as a last resort, it may be one of the few effective tools for limiting the incidence of disruption. Unfortunately, no adequate studies of the effects of the practice have yet been produced. (National Institute of Education, 1977)

In 1984 the New York State Board of Regents enacted a resolution which prohibited corporal punishment in the State's Schools. In accordance with this decision the Commissioner of Education has instituted reporting requirements wherein accounts of such incidents must be submitted on a semi-annual basis by all schools to the State Education Department. As part of the revised Part 100 Regulations of the Commissioner, each school district must now have a guidebook for student rights and responsibilities which contains statements of disciplinary measures to be invoked for infractions. Separate written policies on student discipline must be on file in each public school district office on or before August 1, 1986. (Commissioner's Regulations, 1984)

Another response to student misconduct is the practice of suspension as expulsion from school. Proponents of this practice argue that removing a student from school underlines the seriousness of the discipline problem; that it offers an hiatus during which the youngster may learn more appropriate conduct; that it instructs other students concerning proper conduct; and that it preserves students interested in learning from the actions of disruptive individuals. Opponents of the practice claim that it creates more problems than it solves. The note that suspension has been used to harass and intimidate students; that, by causing students to miss school it harms their academic records; and that it is a confession of desperation on the part of school administrators. (National School Public Relations Association, 1976)

Many school administrators also oppose this student suspension, yet confess that, in the present situation, few alternatives remain. They point out that, in a permissive society where letters and report cards fail to provoke attention at home, suspension from school is often the only effective tool for gaining the attention of parents. Until such time as a more effective mechanism is devised, they note, suspension serves an instructive and corrective function.

It should be noted that efforts have been made to design alternatives to traditional suspensions. Some of these, including the assignment of teachers or counselors to problem children, can require additional staff time. Others, such as in-school suspension, change the environment of the process. In the use of these techniques, the benefits to be gained must be weighed against the costs involved. Often, the innovation is no more effective than the traditional process. (National School Public Relations Association, 1976)

Law enforcement, corporal punishment, and suspension address specific aspects of the discipline problem. Each of these practices meets the specific, and usually the more extreme needs, for dealing with disruption.

At the same time, however, more general conservative approaches to the situation have also been devised. One principal reports that generating endless series of regulations only confuses students. He notes that the "sit down-shut up model" has its advantages. Rules are enforced in a hard and fast manner. Achievement scores go up because the disrupters are gone. Absentee rates also diminish because the chronically absent and suspended individuals are also gone. (Rago, 1978)

Increasingly, a revulsion against the products of permissiveness seems to be supporting the conservative approach to discipline. In many areas, an emphasis on traditional academic achievement seems to be replacing the "do-your-own-thing mentality". ("Permissiveness Declines", 1979) Recent studies indicate that students seem to be opting for difficult, structured course offerings. (Welch, 1979)

Both the liberal and the conservative approaches to student discipline contain various insights. From its own perspective, each addresses a considerable portion of the problem of disruption currently facing American education. Yet, from any consideration of such viewpoints, the question inevitably arises; which side is right? Certainly a series of opposing viewpoints cannot all be correct.

The truth of the latter statement is self-evident. At the same time, however, it seems clear that the problem of disruption in American education is so complex that no one strategy will meet all of its aspects.

Obviously, certain segments of the disruptive population require special approaches. The liberal emphasis on the use of psychology is doubtlessly appropriate for those psychotic and severe neurotic cases who are in need of rehabilitation. By the same token, law enforcement is probably the best means for removing criminally disruptive elements from American schools and placing them in the penal system where they belong.

Once the psychologically and the criminally deviant minorities are removed from the classroom, however, the bulk of discipline cases still remain, those daily problems which are adversely effecting strangling American education. Approaches to these situations must be carefully formulated. Their success or failure will have an important bearing on the productivity of all of American education.

A few guidelines for effective discipline seem to offer promise for the 1980's and beyond. Above all, the compatibility of structure and standards with learning must be recognized. It must be realized that absence of behavioral and intellectual standards go hand-in-hand, and that the absence of both can only produce chaos. Free-form learning may have its values, yet the uncritical, do-your-own thing approach of the 1960's is probably as reponsible as any factor for the present disciplinary situation. (Berger, 1976). It is no coincidence that the areas of knowledge which make up our curricula are known as disciplines. Orderly procedures, at the intellectual as well as the behavioral level, are crucial to the pursuit of knowledge. (Spady and Mitchell, 1979)

Once the need for structure in the classroom is recognized, the forms of that structure may be defined. Clearly, the teacher, the student, and the administrator all have responsibilities. It is apparent, however, that these responsibilities are not identical. Just as members of the general society have differing functions, so do members of the educational component of society. It would be foolish to assume that school is a free market of ideas where educators and students simply share common knowledge.

In the classroom, the position of the educator is preeminent. This position confers important rights necessary for the dispersion and development of knowledge, yet it also entails major responsibilities. One authority points out that "a teacher has gone too far when he concentrates on his interests and problems rather than helping students with their interests and problems". (Hopkins, n.d.)

By the same token, the position of the student in the classroom is subordinate. This status is ironic, since the student is the focus of the learning process. Yet, classroom learning cannot occur without reference to other individuals and entities. In this case, the student must focus his or her attention on learning in order to allow the activity of the teacher or fellow students to have their impact. An orderly classroom cannot guarantee learning, yet a disruptive one will almost certainly prevent it. Disciplinary problems deny all members of the classroom environment the opportunity to obtain an education. (State University of New York, n.d.)

The educational administrator also bears an important relationship with the learning situation. As an executive officer of the peoples' representatives, this individual is responsible for protecting the community's learning environment. This responsibility gives the administrator the power to remove individuals from, or to install individuals in, the classroom. It is vitally important that this power be employed or remain unused, not in response to political power, but when the needs of the situation dictate. The principal or superintendent who shrinks from suspension when the numbers of offenders become too large has surrendered to the will of the mob. (Stoops and King-Stoops, 1973)

Concern with discipline need not lead to the assumption that learning is being depersonalized or that students are being treated in an unemotional manner. Indeed, because discipline is in the interest of both the individual and the wider society, it is caring. (Howard, 1973) The sooner we realize this and unabashedly begin an early intervention approach to the problem, the better off we will be (Bauer and Others, 1976).

Beyond individual roles and other concerns, however, the focus of all guidelines relating to school discipline properly rests on the curriculum. Because learning is the focus of all educational activities, the final criterion of all disciplinary processes lie in their connection with the learning process. The compatibility of structure and learning has already been addressed, yet the impetus for this relationship goes beyond advisability to necessity. Freedom, learning, and discipline are related concepts. (Morton, 1977) (Bell, 1976) Without discipline, learning degenerates into license and the progress of the individual, as well as that of the civilization, regresses.

Clearly the discipline problem is best dealt with through a focus on the learning process. Only through affirmation of this central purpose of American schools will parents, children, and educators find the insight to deal with the present situation, and the strength to master it.

## DISCIPLINE AT THE DISTRICT LEVEL - SOME PRACTICAL GUIDELINES

The preceding pages discussed the various philosophies and approaches to school discipline. As part of sound instructional leadership, the particular philosophy espoused by a school must be identified and the roles of those involved must be clearly delineated and communicated to those affected. As stated by Francis Ianni his review of schools with effective discipline "...in schools with effective discipline, rules are openly developed and clearly announced. Administrators and teachers enforce the rules fairly and consistently." (Ianni, 1980)

### Student Suspension: A Practical Guide

This section briefly reviews the suspension procedures which contribute to consistency in the administration of discipline at the district level. Outside of directing policies on student discipline, the Superintendent of Schools is often measured by the effectiveness of the Superintendent's Hearing. It is essential to sound school management that guidelines for discipline hearings be developed and followed in accordance with both the applicable provisions of law and rules of common sense.

A. Suspensions Less Than Five Days

Pupils in public school may be suspended for disciplinary reasons by the Board of Education, the Superintendent of Schools, and the District Superintendent of Schools (BOCES). Principals of districts may also suspend students for a period not to exceed five (5) days if so approved by Board of Education resolution. The following types of students may be suspended:

1. Pupils who are insubordinate or disorderly
2. Pupils whose conduct endangers the safety, morals, health or welfare of others

3. Pupils whose physical or mental condition endangers the health, safety or morals of themselves or other people
4. Pupils who are feeble minded to the extent they cannot benefit from instruction (when determined according to procedures set forth in education law).

In cases of suspension of less than five days in duration a student is entitled to written or oral notice of the charges and must be provided with an opportunity to be provided evidence of the reason for suspension and time to tell his or her side of the story. (Goss vs. Lopez 1,419 Wess 565 (1965) ) While the time between the notice and the informal hearing can be immediate and even precede the suspension, it can also be held after a student is removed due to a disruptive or threat to persons or property. Charges for suspension must be specific. The following procedures for short term suspension followed as outlined.

1. Student must be given verbal or written notice of the specific charges leading to the suspension.
2. If a student denies the charges he is entitled to an explanation of the evidence and an opportunity to present his side of the story.
3. Once the determination of suspension is made, the student should be given written notice. The district should obtain the pupil's signature indicating that he has been informed of the reason for suspension and a copy of the notice should be maintained in district files. (See Sample Letter No. 1)
4. The student's parents should be notified of the student's suspension and the circumstances surrounding it. (See Sample Letter No. 2)
5. While a conference with a parent or guardian is not legally required, the persons upon request must be given the opportunity for an informal conference with the principal at which time they must be allowed to ask questions of complaining witness. Conferences on suspensions of less than five (5) days are administrative in nature and the parents are not entitled to be represented by counsel. Since no hearing is required, school officials are not required to advise parents of any right to an informal conference prior to the short term suspension. However, a parent conference is often viewed as an effective way to resolve problems and prevent future recurrences.
6. During any suspension from the regular academic classroom students must be provided with academic instruction. The law stipulates that "immediate steps" should be taken to comply with this matter. However, the courts have indicated that "immediate" does not mean instantly but within reasonable promptness under the circumstances.

B. Suspensions of More Than Five Days

The Board of Education or Superintendent of Schools may suspend a student in the manner outlined under the five day procedure previously discussed. However, if the suspension is more than five days, or if the Principal recommends to the Superintendent or Board of Education an additional period of suspension (See Sample Letter No. 3), correspondence to the parents or guardians must contain specific details on the misconduct charges. If the student is to be recommended for more than five days of suspension the following procedures must be followed.

1. The person in parental relation and the student both must be notified of the right to a fair and impartial hearing, the right to counsel, the right to cross-examine witnesses and the ability to represent their own witnesses on behalf of the student. (See Sample Letter No. 3)
2. This notice must be sent far enough in advance (i.e., two to three days) so that the student and his counsel will have time to prepare a defense.
3. The parties must be informed specifically what the charges are that gave rise to the proceedings and which form the basis for the hearing. (See Sample Letter No. 3 and attachment)
4. The hearing date and time must be scheduled and a determination whether or not it will be attended by the pupil and his parents must be made. The hearing need not be open to the general public.
5. Generally, neither the district nor the student need furnish a list of prospective witnesses in advance of the hearing. (However, in a recent (1985) 5th U.S. Circuit Court of Appeals Decision (Keough vs. Tate County Board of Education) it was held that, although the court upheld a long-term suspension, it agreed with the parents that they should have received a witness list and a summary of expected testimony before the disciplinary hearing.)
6. The student must be returned to the school if a hearing is not held within the first five days of the suspension. However, upon the discretion of the school administration the student may be segregated from other students on a temporary basis, provided that instruction is offered.

When the Superintendent orders a suspension and "Superintendent's Hearing" the hearing must be conducted either by the Superintendent or a hearing officer designated by the Superintendent to conduct the hearing. (See Sample Letter No. 4) As in a court of law, innocence is presumed and the district as charging party must bear the proof of proving the case of objectionable conduct. There must be direct evidence establishing with reasonable certainty that the student is guilty of the specific charges. There must be a record of the hearing kept, either through stenographic transcription or tape recording. The hearing must rely solely on the circumstances leading to the charge of misconduct. The pupil's prior record of misconduct is admissible only after and if guilt has been determined. Prior misconduct can be used only in determining the measure of discipline administered to the student and only after the student has adequate notice of the intent to use the record for such a purpose. The district must inform the parent of the student of the specific acts of misconduct in the anecdotal record that will be used for determining the measure of discipline and the dates on which such acts occurred. (See Sample Letter No. 5) If possible, this notice should accompany a notice of charges. The contents of the student's record should not be shared with any third party without written consent of the parent. It is the responsibility of the hearing officer to make findings of fact and recommend appropriate discipline. (See Sample Letter No. 6) However, this report is advisory and the Superintendent has the responsibility to make final determination. After the hearing, the superintendent must inform the student and parents of his decision and the right of appeal to the Board of Education within a time limit set by Board of Education policy. (See Sample Letter No. 6 or 6a and Sample Decision)

The Board of Education may review, upon appeal, the Superintendent's decision. The result of such review may result in the Board adopting any, all, or none of the Superintendent's decision. The record which the Board reviews is a transcript and tape recording of the testimony or other evidence introduced at the hearing. The Board does not take new testimony or evidence nor does the Board conduct another hearing. Witnesses at the hearing may not appear at the Board's Executive Session when it considers appeal. The Superintendent should not be involved in the Board's deliberation. As with other Board actions, the majority of the whole Board must be present and each Board member vote on rejecting, confirming or modifying the conclusions of the hearing officer. Simple majority will determine the Board's decision. As with other matters brought before the Board of Education, the parents must be notified of the Board's decision and apprised of their rights of appeal to the Commissioner of Education.

Two additional aspects of student suspension should also be mentioned. If the student was initially suspended by the Board of Education, the Board of Education may delegate its authority to review the case under the same conditions outlined in the Superintendent's Hearing (procedure followed for more than five days of suspension). After each Board member has reviewed the testimony, the Board may then confirm or reject the conclusions of the Hearing Officer. As with other Board action, a simple majority of the Board must be present at such review of testimony with action based on majority rule.

With regard to handicapped students, the notice of charge must specify that, if the student is found to have engaged in the alleged conduct, the matter will be referred to the Committee on the Handicapped for determination of whether or not the misconduct is a manifestation of the handicapping condition. However, if the conduct endangers the safety of the students to others, the handicapped student may be suspended. The matter, however, is still referred to the Committee on the Handicapped for review. (See Sample Letter No. 3a)

A final word pertaining to discipline at the district level is in order. In addition to the formulating and communicating policies on student discipline, the district should retain an attorney to review procedures and be available to consult regarding litigation in this area.

It should again be noted that the new Part 100 Regulations of the Commissioner dated November 1984 provide special impetus to develop a district-wide school code of school conduct. Schools must by August 1st of each year have written policies on school discipline on file for public review.

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Sample Letters from Harris, Beach, Wilcox, Rubin and Levy. Rochester, N.Y. (October 1, 1984).

Sample Letter No. 1
Suspension Notice to Pupil
(5 days or less)

## SUSPENSION NOTICE

Name________________________________________ Date:___________________

You have been suspended from _____________ school for ______ days beginning ____________________ and ending ____________________ for the following reasons:

1.

2.

3.

Before you return to school on _______________, the school (requires/desires) that a conference be held with you, your parents or guardian, the principal and such other school personnel as are required. A letter will be sent to your parents explaining the situation.

During the period of this suspension, you may not attend school, you may not visit any other school, and you may not attend any extra-curricular school functions such as dances, athletic events, etc.

Arrangements will be made with your teachers to provide assignments so that your education will not be interrupted.

________________________________
PRINCIPAL

I have read the above and I have been informed of the reasons for my suspension. I have also been given the opportunity to explain my behavior.

________________________________
STUDENT

Sample Letter No. 2
Suspension Notice to Parent

## SUSPENSION NOTICE

Date: __________

Dear Parent:

I regret to inform you that I have found it necessary to suspend your son/daughter, ____________________, from school for _______ days beginning __________ and ending ______________. The circumstances leading to this decision are as follows. On ____________ at ______ (a.m./p.m.), your son/daughter

1.

2.

3.

*[In view of the serious nature of your child's misconduct, I have also recommended to the Superintendent of Schools (Board of Education) that an additional suspension be imposed.]

Your child has been informed of the reasons for this suspension. Before (he/she) returns to school on ____________, the school (requires/desires) that the child and his parent or guardian meet with the principal, and such other school personnel as are required, to discuss the incident described above and correct the problem which led to the suspension. I have reserved time for this conference on ___________ at ________ (a.m./p.m.). If this time is not convenient for you, please telephone the school office at __________ to arrange for another appointment.

Although the suspension is for a temporary period, it is a serious matter. During the period of suspension, your child may not attend school, visit any other school or attend any extra-curricular school functions such as dances, athletic events, etc.

---

* This sentence is to be inserted only when recommending more than five-day suspension.

In order that your child's academic progress may not be interrupted, arrangements will be made with his teachers to provide instruction. The guidance counselor, ___________________, will contact you in this regard.

Sincerely yours,

________________________________
Principal

**Sample Letter No. 3**
**Notice of Hearing**
**(Suspension over 5 days)**
**(Send notice to both pupil and parent)**

## NOTICE OF HEARING

Date____________________________

Dear __________________.

(Mr./Ms.) __________________, principal of _________________ school, has informed me of the action he/she has taken in suspending you (your child) from school on _________________ and has recommended that a further suspension be imposed in view of the serious nature of your (his/her) conduct. A detailed explanation of the charges against you (your child) is attached hereto.

Before a determination is made that imposition of an additional period of suspension is justified, you (your child) are (is) entitled to an opportunity for a fair hearing. This hearing has been scheduled for _____ (a.m./p.m.) on ___________ and will be held at _____________________.

Please be advised that you (and your child) have the right to be represented by counsel for that hearing. You will have the right to question witnesses appearing against you (your child) and to present witnesses and other evidence on your own (his/her) behalf. If you expect to be represented by an attorney at this hearing, please inform me as soon as possible of your attorney's name and address.

If it is determined at the hearing that you (your child) are (is) guilty of misconduct, incidents of prior misconduct recorded on your (his/her) anecdotal record may be considered for the sole purpose of determining the appropriate disciplinary measures to be taken. You (and your child) may review the anecdotal record prior to the hearing, along with your attorney or representative, by contacting ____________________ at __________________.

If you have any further questions, please call my office at _____________.

Sincerely,

________________________________
Superintendent

# SAMPLE

## Detailed Charges

Student's Name____________________ Date__________________

John Smith has been charged with

1) being insubordinate and disorderly, and

2) engaging in conduct which endangered the health, safety and welfare of other pupils and school personnel.

These charges are based upon the following allegations:

1) That on Friday, February 24, 1984 at 10:30 a.m., while social studies class was in progress, John began to throw paper airplanes out of the open window;

2) That his teacher, Mrs. Jones requested him to stop, whereupon John jumped from his seat shouting insults at the teacher and ran from the classroom without permission;

3) That John thereafter entered the boy's lavatory on the second floor of the school building and set fire to the paper towels in the waste basket; and

4) That when a faculty member, Mr. White, attempted to bring John to the Principal's office, John pushed Mr. White, causing him to fall and break his glasses.

Sample Letter No. 3a
Notice of Hearing
(Suspension over 5 days)
(Send notice to both pupil and parent)

## NOTICE OF HEARING

Date________________________________

Dear______________________,

(Mr./Ms.) ________________, principal of __________________ school, has informed of the action he/she has taken in suspending you (your child) from school on _____________________and has recommended that a further suspension be imposed in view of the serious nature of your (his/her) conduct. A detailed explanation of the charges against you (your child) is attached hereto.

Before a determination is made that imposition of an addtional period of suspension is justified, you (your child) are (is) entitled to an opportunity for a fair hearing. This hearing has been scheduled for _____ (a.m./p.m.) on _____________ and will be held at ______________________.

Your child has been classified as _______________ by the __________________ Committee on the Handicapped. For this reason, should your child be found to have engaged in the conduct alleged in the charges the matter will be referred back to the Committee on the Handicapped to determine whether the conduct is a manifestation of the handicapping condition.

Please be advised that you (and your child) have the right to be represented by counsel at that hearing. You will have the right to question witnesses appearing against you (your child) and to present witnesses and other evidence on your own (his/her) behalf. If you expect to be represented by an attorney at this hearing please inform me as soon as possible of your attorney's name and address.

If it is determined at the hearing that you (your child) are (is) guilty of misconduct, incidents of prior misconduct recorded on your (his/her) anecdotal record may be considered for the sole purpose of determining the appropriate disciplinary measures to be taken. You (and your child) may review the anecdotal record prior to the hearing, along with your attorney or representative, by contacting ______________________ at ___________________.

If you have any further questions, please call my office at _____________.

Sincerely,

Superintendent

Sample Letter No. 4

## APPOINTMENT OF HEARING OFFICER

Re: In the Matter of ___________________

Dear________________

By this letter I am appointing you to act in place of the (Superintendent/Board of Education) as Hearing Officer in the above referenced matter pursuant to Education Law §3214(3)(c). The hearing has been scheduled for _______ (a.m./p.m.) on _____________ and will be held at ____________.

In conducting this hearing you are authorized to administer oaths and issue subpoenas, and shall cause a record of the hearing to be made. Following conclusion of the hearing you shall make written findings of fact and recommendation of appropriate discipline, if any, and forward those findings and recommendations to the (Superintendent/ Board of Education).

Sincerely yours,

______________________________
(Superintendent/President of Board

Sample Letter No. 5
Optional Use of Anecdotal Record
(Suspension over 5 days)
(Send notice to both pupil and parent)

Date____________________________

Dear_________________,

If it is determined at the suspension hearing to be held on ____________________by ________________________ that you (child's name) are (is) guilty of misconduct as charged, the following incidents of prior misconduct recorded on your (his/her) anecdotal record will also be considered for the sole purpose of determining the appropriate disciplinary measures to be taken:

1. January 3, 1984 - absent from school without permission and found at the bowling alley by the attendance officer at 10:00 a.m.

2. February 6, 1984 - defacing the walls in the cafeteria during lunch hour.

3. February 20, 1984 - participated in a fight with three other students while waiting for the school bus at 2:15 p.m.

At the hearing you will have an opportunity to ask any questions you may have regarding these incidents.

Sincerely yours,

________________________________

Sample Letter No. 6
(Send notice to both pupil and parent)

# NOTICE AFTER HEARING

Date____________________________

RE: Matter of (insert suspended pupil's name)

Dear _________________,

After a fair hearing, and upon consideration of the record before me, I have determined that an additional suspension of ____________________ from school for _______ days, beginning ____________________ and ending ________________ is justified. A copy of my decision is attached hereto.

Please be advised that you have the right to appeal this decision to the Board of Education if you do not agree with the determination. Your written Notice of Appeal should be directed to ______________________ within two weeks of the date on this Notice.

You will be contacted this week by _________________ to arrange for continuation of academic instruction.

Sincerely,

___________________________________
Superintendent of Schools

**Sample Superintendent Decision**
(Where Hearing Officer conducts hearing
and makes recommendation)

## SUPERINTENDENT'S DECISION AND ORDER

### In the Matter of John B. Smith

A hearing in the matter of John B. Smith was held on March 5, 1984 at 4:00 p.m. in the Newtown School District Office before hearing officer John Bailey.

After a fair hearing, and upon consideration of all relevant testimony and the record before him, the following findings of fact were made by the hearing officer:

1. Based upon the unrebutted testimony of Mrs. Jones and two students in John's social studies class, a finding that (a) on February 24, 1984, John did, in fact, throw paper wads and paper airplanes out of the open window during social studies class and was reprimanded by his teacher, Mrs. Jones; (b) John responded to Mrs. Jones' reprimand by calling her "an old bag," "a stupid idiot" and other opporobrious names; (c) John left his classroom without permission.

2. Based upon the testimony of student David Crane, and John's own admission at the hearing, a finding that John Smith did enter the boys' lavatory on the second floor of the school building and there set fire to paper towels in the waste basket.

After reviewing the record made at the hearing and the foregoing findings of fact, I have determined that John Smith is guilty of insubordination, disorderly conduct and conduct endangering the safety, health and welfare of others.

The hearing officer found, and I agree that the evidence does not support the allegations that John intentionally pushed Mr. White causing him to fall and break his glasses, and that charge is therefore dismissed.

For the sole purpose of establishing the most appropriate disciplinary measures, and after determining that John Smith is guilty of misconduct as set forth above which requires additional discipline, I now consider his prior acts of misconduct as set forth in his anecdotal record. In the past two months, John has had three recorded incidents of misconduct. His truancy of January 3, 1984 was punished by an in-school suspension of two days. John admitted to the defacing of the walls in the cafeteria on February 6, 1984. At that time, his parents agreed that requiring John to clean the walls was proper punishment for that offense. His record also shows that he was invovled in a fist fight with other students for which he was suspended from school for three days. John's recurrent misbehavior, and the failure of various remedial measures taken in regard to them, indicate the need for more severe punishment in this case. This is especially true in view of the serious danger to other students resulting from a fire in the building.

I am therefore adopting the hearing officer's recommendations, and I direct that John Smith be suspended from school for an additional twenty-one (21) school days beginning March 8, 1984 and ending April 5, 1984. I also direct that this decision become part of his permanent file.

Mr. Wells, principal of Newtown High School, is hereby authorized and directed to arrange home studies for this student for the period of his suspension.

Superintendent of Schools

March 7, 1984

Sample Decision
(Where Superintendent or Hearing
Officer holds hearing)

## SUPERINTENDENT'S DECISION AND ORDER

### In the Matter of John B. Smith

A hearing in the matter of John B. Smith was held before me on March 5, 1984, at 4:00 p.m. in the Newtown School District Office. Upon consideration of all relevant testimony and the record before me, I have made the following findings of fact:

1. Testimony of Mrs. Jones and two students in John's social studies class leave no doubt that (a) on February 24, 1984, John did, in fact, throw paper wads and paper airplanes out of the open window during social studies class and was reprimanded by his teacher, Mrs. Jones; (b) John responded to Mrs. Jones' reprimand by calling her "an old bag," "a stupid idiot" and other opporbrious names; (c) John left his classroom without permission.

2. Based upon the testimony of student David Crane, and John's own admission at the hearing, I find that John entered the boys' lavatory on the second floor of the school building and there set fire to paper towels in the waste basket.

3. I find that the evidence does not support the allegations that John intentionally pushed Mr. White causing him to fall and break his glasses, and that charge is therefore dismissed.

Based upon the foregoing findings of fact, I have determined that John Smith is guilty of insubordination, disorderly conduct and conduct endangering the safety, health and welfare of others.

For the sole purpose of establishing the most appropriate disciplinary measures, and after determining that John Smith is guilty of misconduct as set forth above which requires additional discipline, I now consider his prior acts of misconduct as set forth in his anecdotal record. In the past two months, John has had three recorded incidents of misconduct. His truancy of January 3, 1984 was punished by an in-school suspension of two days. John admitted to the defacing of the walls of the cafeteria on February 6, 1984. At this time, his parents agreed that requiring John to clean the walls was proper punishment for that offense. His record also shows that he was involved in a fist fight with other students for which he was suspended from school for three days. John's recurrent misbehavior, and the failure of various remedial measures taken in regard to them, indicate the need for more severe punishment in this case. This is especially true in view of the serious danger to other students resulting from a fire in the building.

*I therefore direct that John Smith be suspended from school for an additional twenty-one (21) school days beginning March 8, 1984 and ending April 5, 1984. I also direct that this decision become part of his permanent file.

*Mr. Wells, principal of Newtown High School, is hereby authorized and directed to arrange home studies for this student for the period of this suspension.

Superintendent of Schools

March 7, 1984

*Where the hearing is conducted by a hearing officer appointed by the Superintendent, this Sample Decision can be modified by deleting the last two paragraphs and adding: "Based on the foregoing I recommend as the appropriate measure of discipline a suspension from school for an additional twenty-one (21) school days."

**Alternative Letter No. 6**
**(Send notice to both pupil and parent)**

## NOTICE AFTER HEARING

Date_________________________

RE: In the Matter of (suspended pupil's name)

Dear____________________:

After a fair hearing, and upon consideration of the record before me, I have determined that the recommended suspension from school for an additional period of time is neither necessary nor justified under the circumstances. The matter is therefore concluded and ________________ is expected to return to (his/her) regular scheduled classes on __________________.

Sincerely yours,

________________________________
Superintendent of Schools

Sample Letter No. 7
Notice of Consideration of Involuntary Transfer
(Send to both parent and pupil)

Date______________________________

Dear____________________:

In view of the many (academic/behavorial) problems you (your child) have (has) been experiencing, the time has come when we must consider whether it would be more beneficial for all concerned to transfer you (your child) to an appropriate educational program in another school. Since this is a decision which seriously affects your (your child's) welfare and future, I would like an opportunity to discuss the matter with you and your (child/parent) before a recommendation to transfer is made to the Superintendent of Schools.

I have set aside time to meet with you on ________________ at _______ (a.m./p.m.) in Room ______ of ____________________ School. This is an informal conference to discuss your (your child's) problems and explore the advisability of transfer. It is not a formal hearing or proceeding. However, you have the right to bring an attorney with you, if you wish, or some other individual of your own choosing. Please notify this office in advance if your attorney will be present at the conference.

If you find that you are not able to attend the conference at the date and time stated above, please phone my office at __________________ to arrange a more convenient appointment.

Sincerely yours,

__________________________________
PRINCIPAL

**Sample Letter No. 8**
**Notice of Right to Hearing on Involuntary Transfer**
**(Send to both parent and pupil)**

Date______________________________

Dear____________________:

(Mr./Ms.) ________________, the principal of ______________________ School, has recommended that you (your child) be transferred to another school. A copy of that recommendation explaining the reasons why transfer is necessary was mailed to you on _______________. I have concluded that a transfer to another school may be advisable and will be considering the principal's recommendation after a thorough review of your (your child's) records and all relevant information.

Before the decision to transfer is made, you have the right to a fair hearing at which time you (and your child) have the right to be represented by counsel, the right to question witnesses and the right to present witnesses or other evidence on your (your child's) behalf. If you desire a hearing, you must request it within ten days of receiving this notice. The request should be made to _________ __________________________________.

Transfer shall not take effect until the ten-day period has elapsed, unless we receive written parental consent. If written parental consent to the transfer is given, it does not waive the right to a fair hearing. If a hearing is requested, the transfer will not take place until a formal decision following the hearing is rendered or until the ten days have elapsed, whichever is later.

Your lawyer can advise you in this matter, or you may obtain free legal service or other assistance at the following community agencies:

1.
2.
3.
4.

Sincerely,

__________________________________
Superintendent of Schools

## INVOLUNTARY TRANSFER OF A STUDNENT TO ANOTHER SCHOOL DISTRICT

One power of a public school that is often either overlooked in dealing with discipline is the involuntary transfer of students to another public school district.

Involuntary transfer may be used in (1) conjuction with student discipline or, (2) whether it deemed to be in a student's best interest.

A District Superintendent (BOCES), a Superintendent of Schoools, or a Board of Education may authorize an involuntary transfer (except for handicapped students) providing legal procedural requirements are followed, included in which is one formal hearing.

1. Both the student and the adult in parental relationship must be served notice that a recommendation for transfer is being considered. The notice should inform them of the time in place when an informal conference will be held with the building principal. The notice should inform them that the student has the right for representation by counsel or other adult. (see sample letter #7)

2. Following the conference, the principal must make a determination regarding transfer. If the principals concludes the transfer would be in the best interest of the student, a recommendtion should be forwarded to the Superintendent of Schools with the following information:

    a) Description of the problems which led to the recommendation.

    b) Chronology of prior corrective action taken by the building principal in an effort to correct the problem.

    c) A recommendation for the transfer.

    A copy of the principal's recommendation is sent to both the student and person in parental relationship.

3. Upon receipt of the principal's recommendation, the Superintendent of Schools must make a determination whether or not the recommendation should receive consideration. If it to be considered, both the students and person in parental relationship must be noticed of the proposed transfer and the rights to a hearing. The notice must contain the following:

    a) The purpose of the hearing.

    b) Date and time the hearing will be held.

    c) The right of counsel.

    d) The right to question witnesses against the student and present evidence on the student's behalf.

    e) A list of community agencies and where free legal assistance is available.

f) Notice that the student or person in parental relationship must respond within ten days to request a hearing.

g) Notice the propose transfer (unless agreed to by the student) will not take effect until after the ten day perod has expired, or until a decision is reached, which ever is later. (See sample letter #8)

4. Once a student is transferred he is retained on the school of origin's register for two days following transmittal of records to the receiving school.

5. When a student is entered into a receiving school, those staff members involved with that student's education must review all records of that student including those related to the problems which lead to the transfer.

# WORKING WITH MINORITY STUDENTS

**Daniel A. Domenech**
**Superintendent of Schools**
**South Huntington Union Free**
**School District**

Nowadays, not many people can claim that they attended a one room schoolhouse, but I did. We had a pretty and young lady teacher that worked with twelve kids that ranged in age from three to fourteen.

Except for those times when the teacher read to the class as a whole, she worked with us one on one, or sometimes with a small group. There was a lot of peer tutoring, or what we called, the big kids helping out the little kids.

Some of the kids came from well-to-do families, while others were the children of the "campesinos", the farmers that worked the land of the "patrones". There were black kids and brown kids and white kids in the class, and I suppose that some of them qualified to be called minority students. As I recall, though, the educational process was the same for all of us.

No one was considered "underprivileged" or "disadvantaged". True, some families were much wealthier than others and that meant that the experiences those kids had were different. They owned cars and had traveled to the larger towns. Some of them even claimed to have ridden on an airplane. But the poor kids had experiences too. They had ridden on top of the railroad box cars stacked full of sugar cane and they had ridden their horses deep into the fields where the rich kids were not allowed to go by their parents.

Our teacher recognized the diversity of our backgrounds and she capitalized on the experiences of each child. In our show and tell sessions we could each take turns and boast about one of our adventures, and we developed mutual respect and admiration. Our experiences became the basis for additional learning in all subject matters. How far was it from the field to the sugar mill? Did you know that a famous patriot was killed at the exact location of our neighbor's farm? Why were the days longer during the harvest? Did you know that Maria's grandfather had been a local Indian chieftain?

Since the historic Brown decision thirty years ago, our schools have become preoccupied with the subject of integration and the education of minority students. The social and emotional sides of the issue have clouded the pedagogical facts. What we know about how kids learn, what we intuitively feel as being no more than a humane gesture, is forgotten in the face of "having" to provide a minority student with "equal educational opportunity".

What is a minority student? It is a child.

According to the 1983-84 Racial/Ethnic Distribution of Public School Students in New York State, published by the State Education Department, 35 percent of our school population is comprised of minority students. That percentage decreases significantly if we remove the figures for the "big five" cities. Without them, the rest of the State's minority student population is 10 percent.

Black students represent the largest group, with 19 percent of the total. Hispanics are next, with 13 percent, followed by 3 percent "others".

Minority students quickly become the "majority" when we look at statistics that reflect drop out rates (Whites - 23 percent; American Indians -46 percent; Blacks - 53 percent; Hispanics - 62 percent). The academic achievement of minority students also pales in comparison to the achievement of white students. Such statistics led Coleman to report in the late '60's that schools had little effect on learning. He stated that it was the child's home environment that correlated highest with academic achievement.

These negative statistics transcend the boundaries of elementary and secondary education and follow the minority student into college and beyond. With 32 percent of the public school enrollment, Blacks and Hispanics account for only 6 percent of the professional degrees granted in New York State.

The Regents Action Paper on Increasing Minority Access to the Licensed Professions states that the underrepresentation of minorities in the licensed professions has serious economic implications for the State as well as the nation. Through the year 2000, the number of college age minorities will continue to grow at a rate faster than that of the general population. However, the drop-out rate for minority students will continue to increase, and as the number of taxpayers supporting Social Security shrinks, we will be ensuring continued hardship for minorities and an intolerable burden upon society as a whole.

Since Coleman's report, a host of educators have set out to prove him wrong. It was inconceivable for American educators to accept the premise that schools made little difference in how children achieved. Extensive research has been conducted on what constitutes an effective school, which is defined as a place where 80 percent of the students achieve at or above the national average on standardized tests and where there is no statistically significant difference between the performance of upper and lower socio-economic groups.

In educational research, emphasis was placed not on finding examples of low achieving, white, middle to upper income students, but rather on finding examples of schools with high minority enrollments and high student achievement. Such examples would certainly fly in the face of what Coleman would have predicted. The thrust of the research was to prove that schools do make a difference, and that minority students, in the proper "learning" environment, can overcome the deficits of the "home" environment.

This well-intended approach has been fraught with the kind of faux pas that are usually committed by those naive in the customs of other cultures. It is similar to the American car industry attempting to sell the Nova in Latin America without realizing that the name of the car in Spanish, no-va, means that "it does not go". To say that schools can overcome the cultural deprivation of the home is to say that the home is without a culture. To say that schools can overcome the lack of learning experiences in the home is to say that a child's senses cease to function at home. To say that the schools will "remediate" implies that the youngster will be cured of a malady that he or she contracted at home.

All of these well-intended approaches label, characterize, and track minority youngsters into situations that they find extremely difficult to escape. Coleman's prediction becomes a self-fulfilling prophecy. The self concept of the minority child is affected and so, in turn, is the ability to learn.

There are ways in which school administrators can effectively provide a positive and constructive environment for minority students. Schools can make a difference in the achievement levels of minority students. How can this happen?

Step one has to do with attitudes. Not the attitude of the students, but the attitude of school personnel. In writing about the psychology of affirmative action, K. C. Cole addressed the problem of a subconscious set of prejudices that have been shaped by many years of conditioning. We see things as we have been trained to see them, but our perceptions can be, and frequently are, wrong.

Consider, for example, our prejudices concerning rooms and right angles. We are so culturally accustomed to rooms with right angles that we cannot see a room without a right angle even when we are looking directly at it. This illusion can be illustrated by the famous distorted room invented by the painter Adelbert Ames. The Ames room is not a normal rectangular room, its shape is more like a rhomboid. The illusion created is such that a person standing on one side of the room, and further away from the observer, may appear to be smaller than a person of equal stature standing on the other side of the room. We, however, do not perceive the irregularity of the room. What we perceive, erroneously, is that one person is taller than the other.

Introductory psychology courses are fun because of the many experiments performed by undergraduates to show how easily our senses and perceptions are fooled. Like pigeons in a Skinner box, our behavior is shaped by our environment. We unconsciously hold many prejudiced views of minorities and unwittingly perpetuate them. Every Hispanic child's name is not Jose. All Asians are not math wizzes. All Blacks do not speak jive. A non English speaking child is not retarded and does not automatically belong in a special education class.

A healthy philosophy towards the education of minority students would advocate pedagogical equity. Treat the child as you would any other child entering your school system. That means that you would first assess the experiential background of the child. This is the same as measuring what the child knows, except that we usually evaluate achievement via standardized instruments that measure what the child knows about the curriculum taught in our schools. So, should the child perform miserably on the test, let us not assume that the child knows nothing. Rather, let us correctly state that the child knows little of our curriculum. Let us continue to assess the child's experiences and skills so that we may build upon them in the instructional program.

Is that any different from what we would do with a child that is about to learn how to read? Do we not utilize the child's life experiences as building blocks for additional learning?

The same sound pedagogical approach should apply to the non English speaking child. Lack of proficiency with the English language should not be interpreted as lack of intelligence or a lack of communicative ability. Scoring a zero on an achievement test does not mean total ignorance of the subject matter, only ignorance of the language in which the test is administered.

We would not place a youngster reading two years below grade level with a group on grade level or above. We take great pains to select subject matter textbooks that are appropriate for the reading level of the students that will be using them. Yet many educators insist in placing limited English proficient students in instructional situations that are totally inappropriate given their English language skills.

The debate over bilingual education is more political and emotional than pedagogical. Don't our language disability programs purport to teach students in the modality that maximizes their learning ability? So what is wrong with teaching a child in the language that will maximize his or her learning ability? Nothing, most people would say, until it became apparent that the language was other than English. Oh, those hidden prejudices!

Teaching a limited English proficient child subject matter utilizing his or her native language as the language of instruction is pedagogically correct. Teaching that child English is also necessary and correct. Placing that child in a totally English speaking environment is as wrong as is placing an intellectually handicapped child in a Regents Honors program, or expecting a visually impaired child to learn by reading from a regular textbook.

Perhaps the implication here is to do for the minority child as we have been mandated to do for the handicapped child. Carefully assess his or her abilities and prescribe an education plan that is pedagogically sound and will best meet the students' needs.

Enhancing the minority student's self concept is equally important, and since research has shown that a good self concept is essential to learning, we must be careful to promulgate a policy that fosters cross cultural awareness. Acceptance of the child's home experiences and familiarity with the native culture by such authority figures as teachers and administrators will go a long way towards boosting the child's ego and self concept. Practices, such as observing Hispanic Heritage week, or celebrating an ethnic holiday, will instill pride in the minority child and will foster greater awareness and respect toward that culture and toward the minority child on the part of the non-minority children. Global education programs are very effective ways of integrating such cross cultural awareness with many aspects of the curriculum. By combining them with foreign language studies, they can become model programs, beneficial to all students.

Role models play a significant part in the development of the minority child. They are also important in breaking down many of the unconscious prejudices we alluded to before. It is very difficult for a black child to aspire to being a physician if he or she has never seen a black doctor. The statistics on the minorities in the profession are reminiscent of a vicious circle. Without minority professionals, minority children have no role models to aspire to and therefore fewer vocations in those fields. Although 35 percent of students in New York are minorities, only 10 percent of the professional staff in our public schools are minorities. Although no figures are available from the State, we know that the number of black and hispanic superintendents is quite small. What does that say to the minority child that may be contemplating a careeer in education? We need to pursue an aggressive affirmative action policy in the hiring of our school personnel.

If we acknowledge the minority child's background and experiences, if we are willing to abide by what is pedagogically sound rather than by what is socially or politically expedient, if we are willing to learn something about the child's culture and language, and if we treat him as we would our own child, then we will have succeeded in reducing the education of minority students to the same size headache that we get from the education of students in general.

# SPECIAL EDUCATION IN THE SCHOOL DISTRICT

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## Introduction

Special Education in New York State is a program laden with law, regulation, and monitoring. The regulatory process demands as much attention to detail as to decision and frequently results in costs that are difficult to defend. Nevertheless, this is the climate of education. For handicapped children and their parents, consistency of program is an essential ingredient. Yet, the arena of law and regulation governing these programs has changed significantly and continually over the last ten years. The premise of special education is that handicapped children should be educated with non-handicapped children in the least restrictive environment. Paradoxically, the 276,000 handicapped children projected to be served in New York State in the 1985-86 school year (N.Y.S.E.D., 1984-86) have been evaluated, identified, and are served in a formalized and separate manner. The system protects these children and their parents by an extensive on-going due process procedure; too often it culminates in costly hearings. At its worst, this leads to antagonism and extended disruption in the lives of the children's families who need it least.

The Part 100 Regulations, recently issued by the Commissioner of Education, and enacted in the Regents Action Plan, have highlighted the goals of access and integration for handicapped pupils into regular education programs. But there is no indication that other aspects of this rigorously-maintained distinction between these children and other children will fade away. An understanding of how we arrived at this condition and how the superintendent can function within it is necessary to minimize the frustration of managing special education within the general school district system.

## Legislative Context

The pendulum of change in education for children with handicapping conditions began to swing in 1973 with the passage of Public Law 93-112, The Vocational Rehabilitation Act. Section 504 of that Act prohibits discrimination against qualified handicapped individuals in federally assisted programs or activities. The federal regulations implementing this piece of Civil Rights legislation require full program accessibility for children with handicapping conditions. Its primary impact has been the examination and redesign of facilities to ensure that they are "barrier free".

Two years later, The Education of All Handicapped Children Act, PL-94-142, was passed. Regulations to implement the law were published, and they became effective in 1977. PL-94-142 provided the framework within which the activities of the last eight years have occurred and, therefore, it merits specific attention.

The Congressional findings leading to the provisions of that law cited only 37% of handicapped children in the country as adequately served. Of the remaining children, 50% were underserved and approximately 13% were unserved. These statistics provided solid armor for advocates who believed only federal legislation could force an appropriate level of responsibility for handicapped students by public school systems. The law was an advocate's victory and placed the federal government into the education of exceptional children more directly and extensively than our public schools had ever seen before. The law provides that:

- All handicapped children must be evaluated, identified, and placed in a free, appropriate, public educational program.
- An Individualized Education Program must be developed for each child and reviewed annually.
- Handicapped children who are identified as mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multiply handicapped, or having specific learning disabilities be provided special education, and related services.
- Special education includes classroom instruction, instruction in physical education, home instruction, instruction in hospitals and institutions, related services, and vocational education.
- Related services include transportation and such developmental, corrective, and other supportive services as required to assist a handicapped child to benefit from special education. Speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, medical services for diagnostic or evaluation purposes, school health services, school social work services, and parent counseling and training are identified as related services.
- Children and their parents are protected by procedural safeguards, including the right to an impartial due process hearing should a difference develop between the parent and the school district.
- Access to educational programs that occur with children who are not handicapped is guaranteed to the maximum extent appropriate.

The states had little choice but to respond. In the two years between the enactment of PL-94-142 and the publication of regulations in 1977, New York State passed Chapter 853, revising Article 89 of New York State Education Law. The expressed intent of the law was to correct the "unduly complex and administratively burdensome method" to secure and finance educational programs for handicapped children by creating "a streamlined system for providing these services" (Laws of the State of New York, Chapter 853). The article ensures that the need of the individual child determines which educational and related services are rendered.

Specific responsibilities within the school districts are designated as follows:

- Boards of education must keep a census of all handicapped children in the district under the age of 21 with their handicapping condition identified; must establish a committee on the handicapped with mandated members (including a school psychologist, a teacher or administrator of special education, a school physician*, and a parent of a handicapped child residing in the district); must provide an appropriate program for each child; and must furnish transportation.

- The committee on the handicapped, then, identifies, reviews, and evaluates, at least annually, the status of all handicapped children in the district and recommends appropriate programs to the board of education; ensuring that parents are notified of its actions and securing parental consent when required.

- Parents are required to participate with the committee to determine the educational needs of their child. They govern the process of the committee through the turnstiles of consent and are provided with the right to pursue a due process appeal.

*Pursuant to Section 4402(1) (b) (1) of New York State Education Law, the school physician must be present if specifically requested by the parent. Regulations include this reference in 200.5 (a) (1) (iv).

Since 1977, school districts and their committees on the handicapped have adjusted to almost continual change in specific regulations through new legislation, and have been mandated to carry increasing responsibility, and to manage new tasks. Chapter 47 pertains to children residing in Office of Mental Retardation and Developmental Disabilities (OMRDD) Developmental Centers and Chapter 66 relates to children residing in facilities of the Department of Mental Hygiene. Chapters 462, 570, and 544 increase responsibility for planning and referral of handicapped pupils reaching age 21.

The legislatively designed system was mute with regard to responsibilities for the superintendent in this process. The consequent revisions of the Part 200 Regulations were also silent. In a survey conducted in the Spring of 1985 by the Council of School Superintendents Special Education Committee, school superintendents expressed significant agreement that a direct role for the superintendent in the process now handled by the committee on the handicapped would not be advantageous. It was also indicated, however, that the superintendent's involvement in the management of the process is essential to effective programming for handicapped children in the district.

What, then, are the inevitable issues which the superintendent and the central office staff must navigate to guarantee that students with handicapping conditions are being well-served in his/her district by appropriate programs which are fiscally responsible?

## Special Education

Special education means services and programs specially designed to meet the unique needs of handicapped children. Special education is inclusive, rather than exclusive, of regular education. In other words, children identified as needing special education must also be eligible participants in regular education programs to the maximum extent possible. Some of the regular education requirements, such as those for physical education and the new foreign language requirements for a Regents diploma, can be modified for the handicapped child only by action of the committee on the handicapped.

Most districts now operate their own special education programs for the mildly handicapped while contracting with other districts, BOCES, or private schools to provide service for more severely handicapped students. In determining whether a child's program will be located within or outside of the district, a committee considers the child's educational related service, mainstreaming need, the age of the child, and the number of similar children of that age in the district.

A committee on the handicapped endowed with sensitive leadership, time, and a well-rounded constituency can integrate the needs of students and parents with the philosophy and policies of the school district. The individual who serves as committee on the handicapped chairperson becomes the prime mover in achieving that integration.

The significance of this role should never be underestimated. For example, in districts which have experienced due process hearings or received a negative State Education Department program review audit, superintendents understand the district's critical dependence on the competence of the individual in that role. The superintendent's recommendation for the person to serve in that role is one of the most critical staffing recommendations to be made. Without attempting to prioritize the characteristics of an effective Committee Chair, they would include, at least, knowledge of the different handicapping conditions defined in law and regulation, experience with a variety of handicapped children, skill in conducting efficient meetings, analyzing data, skill in organizing presentations, an ability to demonstrate group process skills honoring all constituency input and an ability to facilitate group decision-making, an ability to earn respect and confidence of parents, and an ability to interact cooperatively with regular education teachers, special education and related service staff, administrators, the Board of Education and provider agencies.

Once the chairperson has been identified, two other variables merit consideration. The first is time. Central office staff determine the amount of time allotted for the position of chairperson and for committee meetings. The full-time equivalency decision about the chair position should be driven by determining the time required to process and follow-up on the average handicapped child in the district, then multiplying by the number of identified handicapped students in the district. This time factor will vary among districts and will extend drastically for a district entering a due process hearing.

The other variable is a structural one which relates to the size of the committee. It is the Board's prerogative to appoint a committee with a larger number of members than the required four. Recommendations about the size of the committee should be based on an assessment of the district and its staff. In a large district with subcommittees or a very small district, the committee may have fewer members than in an average size district. However, there is a relationship between number of members and efficiency of operation and decision-making.

The most important document compiled, dispatched and recorded by a committee on the handicapped is the Phase I of an Individual Education Program (IEP). The goal of the committee is to generate a Phase I IEP supported by the parent and approved by the Board of Education. Gone are the days when a multi-disciplinary committee identified a child's handicapping condition and placed that child in a class with other children carrying the same label. Now, the committee on the handicapped determines whether a referred child is handicapped and identifies the handicapping condition a child possesses. It is there that the process of developing a "Phase I" begins.

The child's placement is determined by all factors included on the Phase I. The committee must ascertain the level of the child's academic functioning and learning rate, the level of physical development, level of social development, and the child's management needs. Then the committee develops annual goals for each instructional area. The Phase I also identifies a program to meet the child's needs and specifies the level of participation in regular education required by the child. Class size and staffing ratios are decided by the committee. The Phase I also indicates when the program should begin and notes any special equipment, adaptive devices, or testing modifications required by the child.

The many decisions recorded on the Phase I document lead to the committee's recommendation for placement and are submitted to the Board for approval. After Board action, the Phase I document is forwarded to the individual responsible for providing the program. Timelines in which this entire process must occur are precise in regulation and can, at most, consume 70 days from the time the child is referred to the committee on the handicapped until the child enters the appropriate program.

A placement recommendation made to the Board of Education is an analysis of the child's needs, his least restrictive environment criteria, and the continuum of placement alternatives, ranging from full regular education to residential private school. The relationship of the child to program goals, student teacher ratios, and program location meld in this decision. The placement recommendation continues to determine the level of state aid eligibility for that child. For instance, in a recent development within the system to track and account for children, the STAC-1 form must be submitted to the State Education Department for students to generate aid under Excess High School, Chapter 786.

The receipt of an approved Phase I by a provider initiates the generation of the IEP Phase II by the child's teacher and support staff. Phase II of the IEP delineates the specific short-term objectives through which the annual goals will be achieved. The evaluation methodology to assess the child's progress is described and any special modifications for the child are recorded. This portion of the IEP is developed in a "planning conference" with parents and staff associated with the provision of program.

Again, it is the educational need of the child that defines special education. Therefore, all of the services received by the child must be required for educational success. Regardless of the value of other services to a child's development or well-being, they are not the responsibility of the educational system. Certainly, the clarity of this distinction becomes difficult to determine in relation to the therapeutic services legally available to handicapped students. There has been a crescendo of requests for occupational therapy and physical therapy, creating a severe staff shortage. Districts are placed in an intriguing legal situation, obligated to provide this service, yet unable to find staff to do so.

Primarily, because of the unique characteristics of the children involved and the response to those needs for individualizing program through IEP Phase 1 and Phase 2, a special education curriculum has not been developed by the State Education Department. Instead, special educators have formalized program descriptions in developmental skill sequences for children. After grouping by label was abandoned as a technique to compose classes, most special education providers attempted to delineate programs by skill clusters. They completed task analyses and produced subject area curricula internally. Curricula can be found to address the full spectrum of a developmental program from self-help skills, communication skills, and socialization skills to math, reading and writing skills, and vocational education.

Recently, however, the State Education Department emphasis has shifted, or rather refocused, its orientation. Now the effort is to modify regular education curricula for handicapped children, rather than to accentuate their separateness. This philosophy is reflected throughout the Part 100 Regulations and has been explored fully in a State

Education Department Guide Book discussing those regulations and their impact on special education. At least on this issue, the pendulum has begun its return.

Beyond this conceptual framework, superintendents need no more familiarity with special education content or related service techniques than with other disciplines in the school system. It is apparent the essential difference between regular education and special education is not solely what is taught, but how decisions are made toward that end, and the extent of support provided by the school system to guarantee the child's success. These differences are exaggerated by the weight of regulation, existence of organized advocacy, overtones of the medical model, and the diversity of professional staff. To manage this program, however, a superintendent does need to know where external resources reside should they be needed.

## Resources

Perhaps the simplest advice is to seek out the State Education Department as a resource center. The Office for the Education of Children with Handicapping Conditions is structured to act as a resource system, as well as a monitoring system. The Division of Program Development is responsible for an extensive list of publications available for the field. They include:

The Role of a School Board Member in the Education of Children with Handicapping Conditions

Technical Assistance Materials for Administrators and Committees on the Handicapped

A Parents Guide to Special Education

The Handbook for Committees on the Handicapped in New York State

Part 100 Regulations in Special Education

The Role of an Administrator in the Education of Pupils with Handicapping Conditions

These documents are concisely written in layman's language and highlight the roles and responsibilities for each player in the special education process. They describe timelines, provide suggestions, and define terms. A complete listing of laws, regulations, and publications available from this division is contained in The Handbook for Committees on the Handicapped and The Parents Guide. The Superintendent monitoring the activity of the committee on the handicapped might be wise to review The Parents Guide since it establishes parental expectations for how the district will function. This division has conducted training sessions for impartial hearing officers and publishes a list of those individuals who have successfully completed that training. Regulations governing the certification of impartial hearing officers were enacted in 1984. As of January 1, 1985, only persons on the Department list may be used to conduct impartial hearings in matters relating to the education of children with handicapping conditions.

The other resource arm of the Office for Education of Children with Handicapping Conditions is the Division of Program Monitoring; it is here the regional associates reside and are assigned. Field experience with this division as a technical assistance source varies with individual regional associates. Nevertheless, it is imperative that someone in the district have a working relationship with the district's regional associate, as all issues raised from the district will be referred there. A document entitled The Program Review Guide can be furnished by the regional associate. It is a thorough checklist of compliance issues and is helpful in overseeing both process compliance and program implementation compliance.

Available local resources include the Directors of Special Education in the large cities and the BOCES and the Special Education Training and Resource Centers (SETRC). The Directors are generally well versed in regulation and interpretation and are frequently the primary external resources to the local Committee Chairperson. SETRC is a network established by the State Education Department to provide training for those involved with all aspects of Special Education - special educators, support and related service staff, regular educators, vocational educators, administrators, boards, and parents. SETRC is also an information dissemination system, as well as a source of State Education Department publications. The trainers who staff these Centers are able to create and tailor inservice packages for districts and/or arrange for consultants to deliver training. SETRC offices are located in most BOCES and large cities statewide. A listing of SETRC locations and phone numbers are included as an appendix to State Education Department publications.

## Future

The evaluation of special education in New York State has not reached a condition of stasis. Issues on the horizon imply that the near future holds continuing change and expansion of school district responsibility and accountability. As the direction of special education focuses more intensely on obtaining high school diplomas for as many handicapped children as possible, efforts to monitor the process used by districts to award local certificates will be more carefully examined and will be incorporated in the Comprehensive Assessment Report (CAR) in its second year. A series of new laws require attention to the issue of planning for handicapped students once they leave the elementary and public education system. This attention to "aging-out" will require parental notification and extensive inter-agency referral and networking. Related to this is the new requirement that the district's guidance program include an annual review of each handicapped student's educational progress and career plans. Simultaneously, declining district enrollments and increased program requirements are causing a statewide shortage of space to house public programs for handicapped children. Legislative discussion about transferring responsibility for Pre-School Programs and Summer School Programs from the Family Court to the school district continue.

But as one looks toward the future, it is timely to reflect on the progress to date. Over sixty thousand more students will be served in Special Education Programs next year than were served in 1975-76 in New York State. They are receiving a wider range of related services than ever before. Despite the frustration associated with superintendent exclusion and the latent belief that success could have been achieved in a different way, the concept of special education will continue to meet the needs of handicapped children in New York State only if the superintendent can maintain influence and accessibility in relation to the endless number of agencies surrounding the handicapped child. In such a complex organism as public education, the superintendent can serve continually as catalyst - that agent, usually present in small amounts, which precipitates a process - that agent which modifies and increases the rate of reaction without being consumed in the process.

# REFERENCES

Helping Children With Handicapping Conditions in NYS 1984-86; NYSED, pg. 209. Laws of New York State, Chapter 853, Section 1, Article 89.

# Personn

## O. Faculty Study: E
## Ingredients

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## Negotiation

# FACULTY STUDY:
# ESSENTIAL INGREDIENTS

Ira J. Singer
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Few would disagree that teachers need to stay abreast of continuing research in curriculum, interpersonal relations, teaching methods, and child growth and development. It is equally important for teachers to share ideas, think creatively, and gain new knowledge in their respective disciplines and fields of interest. Finally, opportunities must be made available to faculty members seeking intellectual challenge and aesthetic stimulation.

How to do this has posed a major problem for school administrators and boards of education for some time. Teachers and administrators attempting to understand their students and community, keep current in their fields, perform the "routine" tasks, and pursue active and rewarding private and family lives, are hard pressed to stay abreast of new developments in education and human behavior.

In order to accomplish these purposes, school districts have established a variety of formats for "in-service education" - - a term which rankles. Trains, planes, buses are "in (or out of) service"; machines are "in service" - - all suggestive of the need to repair gears, pistons, and other parts. If our purpose is to educate faculty and involve them in a program of study, then faculty education or study is what we should call the activity.

Regardless of the format, any faculty study system should contain certain ingredients:

A. Seminars, workshops, and clinical activities which are relevant to the needs of the faculty and are perceived by them as being worthwhile.

To ensure the relevance of faculty study programs to the needs of the district's instructional curriculum, a survey of teacher suggestions should be conducted during the spring of each semester so that planning for the following year's program may commence. Generally, ideas from large groups of teachers begin to cluster into certain areas of interest. For example, the faculty study program in the Herricks Public Schools in Nassau County has incorporated such wide ranging topics as "Politics in a Presidential Election Year -- Orwell's 1984 and Ours", "Working With the Handicapped in Your Classes -- Practical Approaches", "After You Say 'Hello' --Working With the Non-English Speaking Student", "Special Applications for Microcomputers -- Word Processing and Graphics", "Chinese Culture", and many others. Additional areas of need should be identified by building and district administrators.

### B. Quality in terms of leadership and content in the variety of faculty study activities scheduled by the school district.

A staff member responsible for developing the total program must be available to contact potential group leaders and instructors. It is critical for seminar instructors to be interesting, competent in their particular disciplines, and skilled in communications. They may come from universities or other public school faculties, the local faculty, or from the world of journalism, the arts, sciences, industry - - wherever the best people can be found and employed within the financial constraints of the district.

### C. Convenience of the faculty study sites and quality of the environment in which teacher learning is to occur.

It is extremely important that at the end of a busy day teachers are not required to travel long distances for seminars, workshops, or other activities. The schedule should be arranged so that local buildings, whether within the school system or at some nearby facility (museums, libraries, etc.), are employed and made known to the teachers sufficiently in advance so that they can plan intelligently.

Furthermore, the environment in which teachers learn should be attractive, comfortable, and functional. In fact, faculty study areas should be sufficiently flexible to permit large-group and small-group instruction as well as allow for independent study. Such arrangements would not only enhance the effectiveness of faculty seminars, but would give teachers practice in applying the techniques they are frequently called upon to use with their students.

### D. Incentive in the form of direct or indirect salary for participation.

Most teachers in New York State are veterans. They are generally not interested in enrolling in university-based teacher-training courses. Often, such courses are inconveniently located, not relevant to their needs, or too expensive for their purses. It is also unrealistic to assume that teachers who require additional study will attend programs without some kind of salary incentives based upon cash equivalents for an arbitrary number of hours of instruction, advancement within salary schedules to higher levels, or some other format. Boards of education bemoaning the lack of teachers' interest in their own education may find salary incentives to be a key motivator.

E. Dissemination of descriptive materials which are well written, appealing, informative, and timely.

Teachers must believe that their superintendent and board of education feel that faculty education is important. One way to convince them of that fact is to provide carefully developed brochures or catalogs incorporating descriptions of potential courses and other faculty study activities, biographies of workshop leaders, credit awards, program schedules, and locations.

F. Brief evaluations of each activity by participating teachers.

Teachers should be given the opportunity to evaluate the quality of each activity and program leader for the future reference of colleagues and central administration. These evaluations should be summarized by the superintendent of schools at a public meeting as evidence of the usefulness of the faculty education effort. Consultants and workshop instructors should also be asked to comment on their experiences; and principals should be required to indicate whether or not faculty education efforts are producing results in the classroom.

G. A superintendent of schools who believes in the critical nature of faculty education and gives it the highest priority when presenting budget proposals to the board of education.

At the beginning of each year, the superintendent of schools should report to the board of education at a public meeting on the scope of the faculty study program. Also, at various times during the year, the board should be updated by teachers and administrators so that its interest may be maintained and the public informed.

Of course, theory becomes practice when the board of education approves the budget. There is no hard and fast formula for desirable per teacher expenditures for faculty study purposes. Teacher education expenses are incurred by formal programs, teacher travel, professional conference attendance, teacher centers, summer curriculum work, mini-grant programs, and other related efforts. The computation of faculty education costs must also include the impact of the accumulation of faculty study credits on salary schedules.

Finally, some districts (e.g., the Herricks Public Schools in Nassau County) have instituted competitive mini-grant programs which solicit creative and innovative ideas from teachers and award cash grants to implement the best of those ideas. The mini-grant is a popular and productive technique for recognizing teacher individuality and for responding to teacher desires to contribute to the total school program.

H. A dynamic program incorporating different types of activities.

A static faculty education program soon becomes dull and unappealing. Limiting the district's efforts to occasional workshops creates little interest or involvement. Instead, the program should also offer on-site demonstrations, field testing of new materials, field work in museums and other out-of-school environments, professional study centers, travel to professional conferences, and a variety of clinical activities.

There will be abuse by some teachers - - "credit hounds" - - who apply for everything in sight, and "cutters" who miss more sessions than they attend. Some teachers will simply never participate, regardless of the value and appeal of the programs. However, recognition of teacher professionalism through the provision of faculty education programs will help to improve classroom practice and provide the kind of psychic income teachers often crave but seldom receive. School districts which encourage professional study by offering an array of provocative, worthwhile activities will find that most teachers will welcome the effort and participate enthusiastically.

# COLLECTIVE NEGOTIATIONS

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**Smithtown Central Schools**

## Introduction

In 1966, a Governor's Committee headed by Professor George W. Taylor of the University of Pennsylvania reported on a proposal for labor negotiations in the public sector of New York State. Most of the recommendations of the Taylor Committee became law in 1967 when the New York State Legislature passed the Public Employees' Fair Employment Act as Article 14 of the Civil Service Law of New York State. This historic act, Chapter 392 of the Laws of 1967, led to the formation of the Public Employment Relations Board (PERB). The Taylor Law, decisions of PERB, the political activity by public employees' unions, and court decisions have since changed the way schools are administered in New York State.

A few years preceding the passage of the Taylor Act, Wesley Wildman forecast the changing set of dynamics that have affected the administration of schools in New York State and will continue to influence them for sometime in the future. He indicated that the dull and drab lexicon of the private sector was being replaced by color and verve of teacher unions. (Wildman, 1964) At the same time, the American Federation of Teachers (AFT) charged that collective negotiations for the National Education Association (NEA) constituted "collective begging" and called duty free lunch periods "right to eat" laws.

Wildman also quoted from an article in The American School Board Journal:

> "The great challenge of public education as we know it today is not in the curricular areas; it is not the increasing demand for the tax dollar; it is not frills in building or the nature of professional courses for teachers. Rather, the challenge is in the rapidly developing conflict between the National Education Association and the American Federation of Teachers." (Wildman 1964)

Since that time, the struggle between these two competing labor unions within the State of New York and within individual school districts in the State has had various effects upon educational administration of particular school districts. Issues facing superintendents at a given time have varied depending on the union representing the staff. In the late sixties, the competition for recognition by the bargaining agent created greater problems for the school administrator than today. In fact, the struggle for power between these two educational unions has had greater impact on school superintendents than Federal labor policy. Today, the question of "turf" has been decided in most school districts. However, some different emphases in the national and state policies of the two organizations are still in evidence from time to time.

## What is Collective Negotiations?

Collective Negotiations is a term coined by Lieberman and Moskow (1966), two early writers on this subject. The term was combined from "collective bargaining" and "professional negotiations." Collective bargaining is defined as,

> "...(a) method whereby representatives of the employees and employer determine the conditions of employment through direct negotiations, normally resulting in a written agreement or contract setting forth the wages, hours, and other conditions to be observed for the duration of the agreement." (Gilroy, 1969)

Professional negotiations, originally adopted as official NEA policy at the Denver Convention in 1962, (National Education Association, 1966) has come, with the passage of time, to be a synonym for collective bargaining.

According to the Fair Employment Act, the chief executive officer of the government agency is responsible for collective negotiations. At the State level this means the Governor; at the city level this means the mayor; and at the school district level this means the superintendent of schools. Definitions of terms for the Taylor Law indicate:

> "The term 'chief executive officer' in the case of school districts employing their own superintendents means the superintendent of schools, and in school districts under the jurisdiction of a district superintendent of schools means the principal of the district." (N.Y. Civil Service Law, Art. 14, Sec. 210)

In the years following 1967, PERB was pleased just to receive the signature of any official on the contract between a school district and the employees union. To this day that practice has been continued out of habit in many school districts. For this reason, one might see the board president's signature on the contract rather than the superintendent's. Also, the title of the contracts might read between the "union and the district" or between the "union and the Board of Education." No matter who signs the contract or what title is on it, the superintendent should be aware that the chief executive officer is responsible for negotiating and administering the contract. The actual negotiations can take several forms either with the superintendent at the table or a member of his staff, or with a hired consultant doing the negotiations as the superintendent's representative.

## Distinctive Aspects of Collective Negotiations in the School District

Collective negotiations in the public sector differ from collective bargaining in the private sector in a number of significant ways. The controlling law is the Taylor Law and not the National Labor Relations Act. Because of this different foundation in law, the rules and regulations are different and different tactics are permitted to the unions in these two sectors.

The Taylor Law prohibits public employees from striking. Private sector employees, on the other hand, may strike legally. If public employees engage in a strike, the superintendent of schools is required by the Taylor Law to report the suspected strike to PERB and to the school attorney so that an investigation may be conducted to determine if a strike took place. (N.Y. Civil Service Law, Art. 14, Sec. 210) If the investigation finds a strike took place, PERB is required to levy the so-called "two for one" penalty against the striking workers. The "two for one" is a loss of one day's pay for not working and the fine of a second day's pay for having struck. While the unions have objected consistently to the so-called "two for one" penalty, the courts have upheld the constitutionality of this penalty in New York State. After the 1969 strike by the Vestal Teachers Association, that organization appealed the penalty through the New York Courts and to the United States Supreme Court. When the Supreme Court of the United States in October 1971, by a six to one vote, dismissed the appeal of the Vestal Teachers Association, the "two for one" penalty was upheld.

There are two types of penalties provided in the Law against the union that provokes a strike. PERB may suspend the striking employee organization's right of dues and agency fee check-off for up to eighteen months. If the union strikes in the face of a court injunction, the employee organization may be fined for criminal contempt.

While strikes are not as common as they once were in New York school districts, the superintendent of schools should have a strike plan developed for the district. Sometimes strikes can be foreseen, but on other occasions strikes have occurred rapidly. At strike time provisions must be made for coverage of phones, for a spokesperson to interact with the press, for emergency replacements to operate the schools, for obtaining photographs and other evidence that the strike occurred. For a detailed description of a strike plan, superintendents are referred to "Management Procedures for Anticipated Work Stoppages." (Fletcher, Herring, Pole, 1979), Work Stoppage Strategies (AASA, 1975). A strike plan covers all of these items including who will be responsible to see that each happens in an orderly fashion. The superintendent also should see that the school attorney immediately seeks a court injunction against the strike.

In the history of strikes, the rivalry between NEA and AFT can be identified. The New York State United Teachers (NYSUT) is the State affiliate of the AFT. The first teachers' strike in New York State, outside of New York City, took place in the

Bethpage School District on May 29, 1957. (Goergen and Keough, 1967) Bethpage had several other teachers' strikes following that first one during the years that the members of NYSUT were struggling for control against the teachers who were members of NEA. In order to win the right to represent the faculty, each union showed its muscle by striking. (Georgen and Keough, 1967)

Besides illegal strikes used as a weapon, public employees' unions have a number of other power tactics that can be used against their employers. These are unique to the public sector. For example, school board meetings have been stacked with several hundred teachers to bring pressure upon the district. The Board of Directors' meeting of General Motors would not be interrupted by angry employees seeking an increase in wages or benefits. However, boards of education must open their meetings to the public. Boards normally allow a time during the meeting for the public to speak. During this period of public participation the union leaders can and do make their demands in this public forum. Media representatives usually attend the board meetings. This gives publicity to such disputes.

Another power tactic used in both public and private sector is picketing. However, in the public sector, the superintendent's home and the homes of boards of education members are sometimes picketed by units. The accessibility of the school officials' homes and telephones opens them to these and other kinds of personal harassment.

Another area of difference between the public sector and private sector is that of agency fee and agency shop. Agency shops are not legal in school districts but agency fee is legal. Agency shop occurs when one must join the union in order to be employed by a company. Agency fee is a charge to an employee for the benefits received through union activity but does not require the employee joining the union. In actual practice, the agency fee is usually only a few dollars less than the union dues. Since the passage of legislation in New York, permitting agency fee, this issue has become more and more of a discussion item at the bargaining table.

In some recent negotiations, agency fee was the last item agreed to before contract settlement. This is one example of how the major issues have changed historically.

## Major Contractual Issues in the School District

When the Taylor Law was first passed, recognition was the major item of concern. There were two competing unions for the teachers and competing unions for non-teacher employees. The unions had to compete to be the recognized bargaining agents.

In the early days of negotiations in New York State, other major items formed the skeleton of the contract. The unit had to be defined. The bargaining unit consists of those employees that the union has the right to represent at the bargaining table. A grievance procedure of some kind had to be established in most contracts.

In the first years of negotiations, many school district contracts with the teachers looked very similar because they were negotiated using a model contract supplied by the State union headquarters. These contracts usually included the following clauses: (New York State Teachers Association, 1969)

a) recognition
b) procedure for teacher evaluation
c) salary schedule
d) salary credits for previous experience
e) salary increment for advance preparation
f) extra duty pay for special activities
g) longevity pay
h) health insurance
i) sick leave
j) bereavement leave
k) personal business day
l) sabbatical leave
m) maternity leave

After salary and other money items, the grievance procedure is probably the most significant clause in a contract. Typically the grievance procedure has three steps. The first step of a grievance begins with the immediate supervisor who, in the case of teachers, is usually the principal. Following the first level there is at least one appeal level, which is usually to the superintendent or someone designated by the superintendent. Some contracts include another level of appeal to the Board of Education. The administration of a contract is simplified if the level of appeal to the Board of Education is omitted. The final level of appeal in any contract is to an outside arbitrator normally chosen from the list of qualified members of the American Arbitration Association. Frequently binding arbitration, as opposed to advisory arbitration, is found in teacher contracts. In 1966, binding arbitration of grievances was part of only one contract in the United States; (Rhodes and Neal, 1968) but today, it is the rule rather than the exception. The omission of binding arbitration is more common in administrator or non-teaching contracts.

Other cost items in the contract include the costs relating to sick time and other leaves such as personal and legal days, fringe benefits such as retirement incentives, sick banks, and class size clauses. All of these items have fiscal implications for the school district. In negotiating a contract, the total cost to the district must be considered by the school superintendent.

Retirement incentive clauses may be on their way out. When student population was in rapid decline teachers were "excessed" or laid off in order to contain costs for the school district. One way to bring down costs and excess teachers at the same time was to offer a retirement incentive to increase the number of teachers retiring. With rising inflation each year, teachers are demanding larger and larger dollar incentives to encourage them to retire. This is making it almost prohibitive for the districts to save money unless retirees are not to be replaced. School district populations are beginning to bottom out and the shortage of new, young, and qualified teachers entering the profession is increasing. Under these conditions, the desirability of a retirement incentive for many school districts is lessening. If a retirement incentive is to be considered, the superintendent can reduce absenteeism, a chronic problem for many school districts, giving a monetary value to each unused sick day that the retiring teacher has accumulated. This type of incentive rewards the dedicated teacher who has had a lifetime of near perfect attendance and a dedication to students.

## Administrative Strategies for Collective Bargaining in the School District

Strategies include the "how to" of collective negotiations. First, there is the consideration of how to negotiate the contract, and second, how to administer the contract during its lifetime.

Negotiating the next contract begins immediately following the day when contract negotiations are completed. As soon as a contract is ratified, the chief school administrator should direct the administrative staff to collect data during the life of that contract for the next round of negotiations. Each administrator should maintain a file dealing with problems associated with the contract. The district should maintain a file on every grievance that is submitted by the bargaining unit. Nine months before the contract is due to end, existing contracts should be reviewed along with the materials gathered in these files, in order to put together a district proposal to present to the bargaining unit at the onset of a new round of negotiations.

Before exchanging packages, a district's administration should collect data from neighboring school districts, particularly districts of the same size, concerning their most recent contract settlements in terms of dollars and cents. This research provides a basis for the Board of Education to establish dollar parameters for the superintendent to use during the negotiation process. Discussions with the Board of Education are executive session privilege items and should be held prior to, during, and at the conclusion of the contract negotiations.

There are a number of places where a superintendent can obtain more information about the major contract clauses in other school districts. (O'Neil, 1972) The New York State School Boards Association has a publication with sample clauses and suggested language available. (New York State School Boards Association, 1981)

Some BOCES select and publish data on various contract clauses. However, since the case against the BOCES II of Suffolk County was won by the School Administrators Association of New York State (SAANYS), this type of information via BOCES can be obtained by a union through Freedom of Information requests. Services such as F.A.C.T.S., (F.A.C.T.S., n.d.) and the New York State Association of Management Advocates for School Labor Affairs provide the information not subject to Freedom of Information requests. (N.Y.S.A.M.A.S.L.A., n.d.)

Before discussing specifics of a new contract, ground rules must be established. Some existing contracts have language establishing the ground rules for the next set of negotiations. If ground rules are not in existence, an understanding in writing should be arrived at between the chief negotiator for the district and the chief negotiator for the bargining unit.

A list of ground rules that have been used and are acceptable for negotiations follows:

1) The parties shall be entitled to obtain from each other all public information necessary to the conduct of negotiations.

2) Meetings shall be held at a mutually agreeable time and place.

3) Meetings shall be scheduled for a minimum of two hours.

4) Impasse shall not be declared until all items have been discussed.

5) All agreed upon items shall be signed at the following meeting subject to inclusion in the final agreement. Tentative agreements will be prepared at meetings in understandable form.

6) Each party shall have an unlimited right to caucus.

7) No meetings shall be canceled except for illness with at least eight hours notification.

8) Every effort shall be made by the district and the association to reach an equitable agreement by an agreed upon date.

9) Both sides shall be empowered to reach an agreement.

10) There shall be no press releases until either a point of impasse or an agreement is reached.

Expansion or deletion of these rules varies with the uniqueness of the bargaining situation. (Keough and Gwiazdowzki, 1981)

The choice of the bargaining team is important. The bargaining team for the union must be chosen by the union. It cannot be dictated by the district. However, selection of the district's bargaining team is made by the superintendent who, as chief executive officer, is responsible for the negotiations. Sometimes the Board of Education will want to be involved in the bargaining, either by having members sit on the team, or even by having a member of the Board as the chief spokesman. This is not a good idea. Having members of the Board on the team leaves them vulnerable and weakens the position of the district at the bargaining table. In fact, when the Board of Education is not on the team or at the bargaining table and the going gets rough, the union typically seeks to make an end run around the superintendent to get to the Board of Education. This is done formally, informally, and through appeal to the public. Experienced board members recognize that it is to the District's advantage to leave the bargaining process in the hands of the superintendent. The superintendent should help less experienced board members understand their roles.

There are various ways to structure the district's team. First, the chief spokesman must be appointed. Although it is possible for the superintendent to sit at the table, it is desirable that someone else be the chief spokesman. If the superintendent sits at the table, past experience recommends that he be a silent member of the team. It is difficult for some superintendents to keep a poker face, much less refrain from speaking and maintaining the discipline of the bargaining team. So the best recourse is for the superintendent not to be at the table at all. What you say at the table, facial expressions and other non-verbal clues you give, can be used against you if the union does not get its demands.

Some outside consultants hired by districts will tell you that they don't need a team at all and they will negotiate alone. At the very least, the district should have a witness besides the outside negotiator at the table. In addition to the chief spokesman who can be an outside negotiator, a central office administrator who has the personality for negotiations or another administrator who is skillful at negotiations, can represent the superintendent. Also, a note taker and a representative from middle management should be on the team. If the superintendent decides to choose a competent middle manager to be on the team, the choice of the person is the superintendent's, not that of the middle management bargaining unit.

The traditional approach to negotiations is to have an exchange of "demands" between the district and the bargaining unit, usually at the same time. After an appropriate period to study each others demands, the first session takes place. Here, the district responds to the bargaining unit's demands. Some items are mandatory subjects of bargaining and have to be negotiated. Others can be dismissed out of hand as non-negotiable items if the superintendent feels that is the best approach.

From thereon, it is a process of horse-trading. When the district gives anything, including an increase in salary, the union is expected to give something in return or give up something that they have in the existing contract. Bargaining does not mean surrendering to the demands of the union.

When one side or the other refuses to negotiate or simply pretends to negotiate, there are two remedies outlined in the Taylor Law: mediation and fact-finding. In mediation and fact-finding, PERB designates a third party in order to referee and reach a settlement. Mediators and fact-finders have their own style, but their aim is to get a contract - any contract, no matter what the cost. If mediation fails, fact-finding, an investigation by a representative of PERB with a report to the public, follows in an effort to force a settlement.

Various non-traditional approaches to collective negotiations have been tried and some have been successful. One method is to meet informally with the "real" leadership of a union and work out the problems informally before going to the table. Such a meeting can be held at any stage of the negotiation process - before, during, or at mediation or fact-finding. In practice, it is often at mediation or fact-finding that the more unorthodox approaches to settlement are used. Contracts have been settled over a meal at all three of these stages by informal discussions between the superintendent, along with some other person representing the district and the union field representative, along with the chief negotiator or president of the bargaining unit. Nevertheless, even when the settlement is reached informally, there is usually a session "at the table" to bring the process to closure.

The final steps prior to settling a new contract include writing a memorandum of the agreement. If actual language is agreed to during the negotiations process, this step is not always necessary. A memorandum of agreement is an instrument used in the final hours of negotiations to outline the changes in the contract, subject to drafting the final language.

The importance of language cannot be overemphasized. The more precise the language, the easier it is to administer the contract. There are times when "weasel" words or sentences may be used either to bring the process to an end or for political purposes. However, with less precise language more grievances are likely to result.

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Another strategy that has been used to bring contract negotiations to closure is to set up a committee when there is a singular or difficult item preventing settlement. A committee could be formed either to study a single issue or to resolve one difficult issue that is holding up a settlement. An example would be to set up a committee to distribute dollar amounts allocated for coaches and club advisors rather than delay settlement by arguing over allocation of the dollars that were agreed upon for this class of employee.

The final district's step occurs when the legislative body, which in the case of school districts is the Board of Education, gives approval and provides the required funds for contract implementation. The Taylor Law is very specific on this point,

> "Any written agreement between a public employer and an employee organization determining the terms and conditions of employment of public employees shall contain the following notice in type not smaller than the largest type used elsewhere in such agreement:
> It is agreed by and between the parties that any provision of this agreement requiring legislative action to permit its implementation by amendment of law or by providing the additional funds therefor, shall not become effective until the appropriate legislative body has given approval." (N.Y. Civil Service Law, 14, 204-a)

## Administering the Collective Bargaining Agreement

Even the very best language in a contract cannot prevent grievances. A union has the responsibility to represent members of its bargaining unit. For this reason, sometimes what appear to be some very silly grievances are pursued through several steps of the grievance process. Even though most unions today have reached a level of maturity, often the union leaders cannot dissuade an immature member from pursuing an unreasonable grievance.

Many real problems can be resolved informally before they ever get to the grievance stage. If grievances occur, responses to grievances at each level should be kept simple. Don't put all your arguments in writing. If you do put your entire position in writing at the early stages, the union will have time to prepare rebuttals for all these arguments should the case go to arbitration. Some local unions have even been known to change the grievance between grievance steps.

As much as possible, restrict grievances to the contract itself. Unless you have a clause which opens up grievances to anything, require that a particular article and language that has been violated be cited in the grievance.

It is good to have a separate mechanism to deal with problems that arise that are not covered by the contract. The agreement between the Vestal Teachers Association and the Superintendent of Schools devised a mechanism called the Professional Council which is made up of three teachers appointed by the local affiliates NEA and three persons appointed by the Superintendent. The superintendent chairs this Professional Council, which addresses issues of district-wide impact that cannot be resolved at the building level by the building principal and the teachers' advisory council.

Much of the administration of a contract has to do with attitude, not only the attitude of the superintendent but also that of the union leadership. The fairest, wisest and most understanding superintendent can be undermined if the union leadership has a bad attitude and desires to sabotage the relationship. When both parties deal in a trusting, working relationship, good morale results. The staff and the students of the school district are best served in that framework. It is unfortunate that sometimes one or both parties of the contract lose sight of the purpose of having schools.

## Summary and Conclusion

As the plow and pitch fork are tools of the farmer, the tools of collective negotiations are bargaining, mediation and fact-finding. The weapons of the employee organizations are striking, picketing, and putting pressure on the principal parties - the superintendent and school board. Defensive weapons at the disposal of the superintendent and school board are the injunction - violation of which can bring fines and a jail sentence - and the invoking of the Taylor Law penalties. If the employees strike, the Law demands that the superintendent report the strike to PERB which then conducts its investigation. When these weapons are used, war has been declared. Just as after any war, it will take many years to recover and realize peace again in the school district where the war took place.

It is far better for the parties involved and for the students, if peace is maintained. It should not be a peace at all costs. However, it should be recognized that a far better course is for reasonable people to sit down at a table and resolve the problems in a reasonable manner.

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Q
FACILITIES

# Facilities

Q. Facilities Planning and School District Reorganization Q-1
Basil L. Hick

# FACILITIES PLANNING
# AND SCHOOL DISTRICT REORGANIZATION

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## Introduction

One of the most difficult facts for the general public to comprehend is that educational facilities cannot be developed instantaneously. The requirements set forth in law and/or regulation concerning facilities include only the necessary time to develop space requirements, the translation of the space requirements into a floor plan, the pricing of such a plan, the voting of the funds, the development of the working drawings, the advertisement for bids, the letting of the contracts and the actual construction. The time frame for these activities probably involves at least eighteen months. In the above steps are not included other time-consuming activities which should be part of any well-developed facilities plan.

## Enrollment Projections

Basic to any plan is an enrollment projection. There obviously is no sense in planning to house today's staff and students. A projection of at least five years at the elementary level and ten years at the secondary level is a necessity. Many of these proposed students presently reside in each school district. These individuals, students who will migrate in, as well as those that can be expected to migrate out, will be the basis for the ultimate projection. A suggested method for developing projections is available from the Bureau of the Facilities Planning of New York State Education Department. This document includes a method for developing a projected kindergarten enrollment—one of the most tricky projections and one which is the foundation for a reliable enrollment forecast. Attrition ratios from grade to grade are also included. These ratios for each year should be carefully studied and an average ratio which best reflects the individual district should be used. Trends should be studied. If forecasting is made an annual project, the district will not be faced with the need to produce "instant facilities."

A good long-range plan will also include a map of the district on which each student can be identified by age or grade, along with other pertinent student data. Such a map should also include the location of existing schools and, in a growing district, the location of potential school sites. Highways and bus routes can also be shown. The land use map of the various municipalities should be reviewed so that potential residential development areas can be designated.

In many districts, the non-public school population must also be considered. When developing projections using attrition ratios, these will automatically be included. However, when there is an abrupt change such as the starting on a new non-public school or the closing on an existing one, proper adjustment to the projections must be made using the most reliable information which can be obtained. Since district lines do not coincide with attendance areas of non-public schools, it is necessary to be aware of any plans of any schools which might affect the district's enrollment. Keep in mind that bonds must be paid whether or not the facilities are used. Overbuilding or inefficient use of space demands money that could better be used to enhance the educational program.

It is unwise to use national, state or county planning data for an individual district. The birth rate for the nation does not necessarily apply to the individual district. The same is true with the State's general growth. A yearly house-to-house census is much more accurate and should be the basis for the individual district's figures.

The number of students per new household should be assembled from data gathered from similar developments in adjacent areas or from developments within the district. In large developments, a spot check can produce a reliable figure for the number of students per dwelling unit.

The student capacity and grade organization for each school should be indicated. Since State building aid is based upon the capacity of the facilities in comparison to the projected enrollment, it is imperative that the method of determining capacity coincides with that used by the Bureau of Facilities Planning in the New York State Education Department. Capacities, it should be noted, should be based on planned use, not necessarily present or past use. Each space in each facility should be identified as to its planned use. The size of the space should be noted.

Although curriculum review should be an ongoing activity, the district faced with a housing problem should make an extra effort to review its educational program to ensure that new programs or changes in present programs which have space implications are considered and/or accommodated.

## Organizational Considerations

In planning facilities for either increasing or decreasing student enrollment, the economy and efficiency of operation of the unit must be considered. Elementary units which allow the equalization of class size; the efficient use of professional support staff, clerical, and maintenance staff; as well as the good utilization of the space in the plan should be objectives.

A good educational offering with efficient use of staff and facilities should be the ultimate goal. For example, if one librarian can well serve the staff and students in a 500 pupil elementary school with a quality education, it would be better educationally, economically and efficiently to have those 500 students located in one facility rather than in two facilities separated by, say, five miles. The same could be said for an administrator, a nurse teacher, an art, music or physical education consultant as well as any other professional and non-professional staff.

In planning or renovating educational facilities, many items must be given consideration. People responsible for planning schools too often put in brick and mortar, spaces which are desired to promote a specific approach to education. Many times these are not the result of research or even study. Before changes in the approach to education can become reality, the staff of the school must be convinced and be provided adequate inservice training to affect the desired changes.

Over the years, many changes have been discussed and implemented. As a result, flexibility of structure must be given serious consideration. Facilities should be planned to accommodate varying sized groups. Alternative approaches should be not be precluded.

During the fifties, sixties and seventies, a few school buildings were built to accommodate large group/small group instruction. Although many of their large group instruction rooms were used intermittently, few were used on a daily regularly scheduled basis. Accommodating a specific enrollment in the district's program with space used so inefficiently was practically impossible. Many of these spaces were inflexible, thus when the contemplated program did not materialize, there was no flexibility to house other approaches to program offerings.

In large high schools, circulation patterns must also be evaluated. Along with this process, allocation of space for the different disciplines must be carried out.

A secondary school can be organized on a departmental basis, which generally requires much student travel between science rooms, English rooms, language rooms, social studies rooms, etc.. It can also be organized on a student-served basis. In this situation, travel of the student is kept to a minimum, and teaching spaces for the specific disciplines may not be grouped together.

Under either organizational approach, a school will function. The point is to consider the various alternatives intelligently rather than to plan a building with no consideration of alternatives. Like it or not, many of the buildings now in use will still be in use, for better or worse, for the next forty to fifty years.

The main purpose of a school facility is to provide space for students to be educated. The facility should support the educational program offered by the district through its staff.

In order to provide adequate space appropriately appointed, it is necessary to establish guidelines. The class size must be established. The method of instruction must be delineated. For example, if the science program is aimed at a "Hands On" approach to learning, adequate space with flat work surface area equipped with gas, electric and water is necessary. The frequency of class sessions, the length of class periods, and the number of scheduled periods per day must be known before the number of the various spaces can be determined.

The number of teaching stations to be provided in a facility directly affects the ultimate cost of the facility. In order to determine the number of stations, the existing program should be critically examined. Generally there is a direct relationship between enrollment and number of sections.

For subjects such as English, language, social studies, mathematics, and non-specialized commerical subjects, it is wise to determine the size of the sections. Generally, regardless of the size of the school, sections of varying sizes are scheduled in these subjects. It is entirely appropriate to plan for spaces of varying size which will still provide adequate space for the program. Class sizes from 8-15 may be scheduled in one size room; class sizes from 16-24 in another size room; and a class size of 25 and over could be provided for in still another size teaching station.

In addition to the space necessary for class instruction, other areas are necessary for the proper functioning of a school. Administrative space including adequate private office, general office, and storage space is necessary. Pupil personnel services requires an area. Private counseling offices should be provided. An area for health services, including an examination room and hold areas for temporarily ill pupils, must be provided. Depending on the staff requirement set forth by the Board of Education, areas may be needed to accommodate psychologists, social workers, and various remedial consultants. Each professional should be provided an adequate space in which to carry on his or her activities.

Work and rest areas for the staff are a necessary part of a well-planned school. If adequate areas are provided, they will often add to the efficient use of the teaching stations. If the school provides a lunch program, a kitchen and dining area are necessary. The space devoted to this activity, like most other areas, is a function of the number of personnel served and type of program. A preparation kitchen takes more space than a service kitchen. It takes more serving lines to serve 1000 pupils than it does to serve 500 pupils.

The size of the dining area should allow pupils to eat at a reasonable time. Generally, an hour and a half should be planned to accommodate those eating in school. This usually works out to three lunch periods of about 20-25 minutes duration or a continuous session which eliminates long cafeteria lines.

Space for physical education should be provided to accommodate the program planned. Emphasis in this program might be given to carry-over sports. As such, a strong case can be made for a swimming pool. Since area, regardless of use, is the item which costs in an educational facility, the amount of spectator space and frequency with which it is used must be given careful attention.

If the school is to have musical groups, a place for them to meet and perform should be provided. The frequency with which these large groups meet on a weekly basis generally indicates low utilization of such a space at its capacity. For that reason, it may be prudent to plan an auditorium with adequate area between the front of the stage and the first row of fixed seats to permit the total instructional group to be set up. This space (the auditorium) will provide the volume that is acoustically necessary for a large group. Setting up in front of the stage will not prohibit the use of the stage as a teaching station for dramatics, public speaking and other programs.

Storage space always seems to be in short supply. By the same token, the material which is stored should often be provided where it is needed for the various programs. General storage should be provided, located appropriately on each floor in each wing. Basement storage generally is not appropriately located. This space requires additional handling and, if it has to be built, does not come free, regardless of what someone may say.

Libraries are often considered to be the heart of an educational facility. They should be sized to accommodate a percentage of the enrollment. This space should allow the shelving of the recommended book collection. It might also be planned so that the space can be used during after school hours, weekends and vacation periods.

Often large libraries are limited in use, either through inadequate allocation of individual time to the students' daily schedule or through inadequate supervision and professional help. Unless these problems are addressed, there is little use for providing a large area for an instructional materials center.

## Physical Plant Considerations

In planning a school facility, careful attention should be given to the amount of space that is devoted to areas which in no way affect the educational program. Space for boiler rooms, general storage, wall thicknesses, corridors, passageways and toilet rooms are involved. Obviously such space is necessary in order for the building to operate. However, when space devoted to these categories exceeds 25 percent of building area, further study should be employed to plan more efficiently.

School districts are required to make programs accessible to children with handicapping conditions. Since existing programs are accessible, careful attention must be given to this requirement when a district expands or consolidates its school plant.

This attention should include grade access, width of doors, access to telephone, toilet facilities for the handicapped, to name just a few. One item which requires additional study is the housing of programs in multistory buildings. Although many people would claim access to those programs may be gained by the provision of an elevator, a determination regarding evacuation in a time of emergency is required. At this point, an elevator is not recognized as a means of egress during a fire. The district plan must address this contingency.

In planning new buildings or renovations, consideration should also be given to the environmental factors such as heat, light, color and sound. Too often in schools, it has been assumed that, if the heating system is designed to provide adequate heat during the winter months, correct thermal environment has been provided. Actually, due to solar gain (sunshine through the windows), heat gain because of artificial light, and the radiation of heat by students and teachers in an occupied space, it has been estimated by some experts that cooling is required in over 50 percent of days during which school is in session in this State. Therefore, if a district is serious in providing an ideal thermal environment for learning, it should equip schools, like many shopping centers and office buildings, with a system which conditions the air to provide not only a desirable temperature but also a desirable humidity.

A visual environment must also include both artificial and natural illumination. Although the schools have not relied on natural illumination for over 30 years in this State, natural light has generally been provided. There have been a few schools built without a view to the exterior and thus without natural illumination. However, it is well to remember that schools are occupied by age groups whose eyes are still developing. Some opthalmologists indicate that for eye exercise these pupils should have the opportunity to focus on distant objects as well as close objects such as books, chalkboards, or video presentations. Although psychologists say little professionally about the need for natural illumination, many feel strongly that students of all ages should be able to relate to their surroundings including the environment which surrounds school buildings.

For a time, demand for light intensity seemed to be ever-increasing. Since the energy crisis in the early seventies, renewed study has been directed at this problem. The result has been a reversal. Now, the most critical demand is for balanced brightness. Good lighting requires proper distribution. This is a function of the reflective values of the various surfaces, the height of the room, the type of fixtures, and other items. For close work, spot lighting may be the answer in certain specific circumstances.

Color also has an effect on individuals. In developing a color scheme, the orientation of the various spaces must be considered. Is there a good psychological reason why many successful restaurants use a peach or pink color scheme. How about school cafeterias? There are studies on the psychology of color which should be examined in developing a color scheme for a facility.

An acoustical climate conducive to learning has too-long been overlooked. The importance of acoustics are obvious when noise from one space interferes with activity in another. Thought and planning should precede the finalization of teaching space. In some instances, it may be possible to isolate sound by location. In other situations, it may be necessary to treat the space so that objectionable sounds are absorbed or contained. Acoustical floor coverings (carpeting) play an important part in providing some of the ingredients of a good acoustical environment.

## Maintenance Considerations

Many of the decisions which are made during the planning and construction period of a building have a direct bearing on the amount of time and thus money that must be spent in operating and maintaining the facility. For example, it has been stated that building to provide the best surface finishes would add about 5% to the cost of the ordinary building. Such finishes would last longer and would be easier to maintain. Unfortunately, at this point in time, Boards of Education are faced with operating and maintaining, rather than constructing, buildings.

"A Stitch in Time Saves Nine" is an appropriate guideline for maintenance of facilities and equipment. Another saying which seems to be the practice of far too many districts is "Out of Sight—Out of Mind."

It cannot be emphasized too strongly that facilities and the equipment necessary to operate them require maintenance. Too often, in an effort to reduce budgets, the maintenance of buildings and equipment is delayed, reduced, or omitted. Each path usually ends up costing the district a greater sum of money to correct the problems brought about by cutting back on maintenance.

Although this level is not to be used as a criterion, it might be noted that in New York State school districts, those items which fall into the Maintenance and Operation part of the budget generally amount to 9 percent of the annual school budget. However, the only true way to arrive at a maintenance cost for an individual district is to analyze specifically the facilities and equipment of the district.

Above all, a written policy regarding the maintenance of facilities and equipment must be developed, adopted and publicized. This policy is, of course, the responsibility of the Board of Education. Such a policy should not be assembled in haste. It should be developed with the objective of prolonging the life of the facilities and equipment.

Policies might be viewed as "Sunset Laws." In other words, they should be reviewed periodically and rescinded if no longer appropriate, extended if still applicable, or changed if necessary. Efficiency in operation will result in economy. Again, over the long term, the economical operation of a plant will result in a larger proportion of the budget being assigned to the education of the student population.

The plan adopted by the Board of Education should establish standards of cleanliness and operation. The details necessary to meet those standards must be developed by the staff, based on data from actual studies done by the district staff and tempered by the research, rather than merely on standards from the literature.

Standards to determine time for maintenance activities are available. Most of these can be tested. Some of these are: time to maintain 100 square feet of glass, plaster wall, block wall; time to maintain 100 square feet of carpet, asphalt tile, vinyl tile, terrazzo, etc.; time to check and maintain athletic fields; time to clear sidewalks and roads of snow; time to check and maintain 1,000 sqaure feet of roof and paving; time to check lights; time to check and maintain motors, engines, boilers, filters, etc..

The time necessary to do the various tasks should be listed in a handbook developed by the district. Based upon a decision made by the Board, the frequency with which each task is performed should be listed in another column. Checks suggested by the manufacturer in the specifications for machinery installed in the school should also be listed in the handbook.

After the planned frequency has been decided, the plan should become the basis for determining the size of the maintenance and custodial staff. Since the Board initially determined the level of cleanliness and operation, it should be aware that any reduction in staff or funds will have a direct effect on the condition of the facility.

The person responsible for cleaning should develop a schedule for each custodian. This schedule should list areas, activity and time spent. This will not only establish responsibility but will also prove helpful in locating each individual when necessary.

## Participation in Facilities Planning

An educational facility is the property of the school district. It is also the place where the students and staff spend much time. Many districts make an effort to have their occupants involved with the maintaining of the facility.

A good example of people-involvement resulting in cost savings to the district was the action taken by a number of staff during the first energy shortage. In some cases, these efforts caused energy usage to decrease by up to 35% with no physical adaptations to buildings. Lights were used only when rooms were occupied. Temperatures in buildings were controlled; overheating was eliminated. People were concerned and thus became involved.

These activities demonstrate that if people have pride in their buildings, these structures will be easy to maintain.

## School District Reorganization

The desire to provide better educational opportunities for students of New York State has been the aim of the State Legislature for many years. In 1851 it enacted the first laws which provided an impetus for these opportunities through reorganization. Periodically, studies have been mandated and plans have been developed to provide greater student opportunities through the merger of smaller school districts into ones which will be educationally sound, efficient and economical to operate.

The early laws allowed for reorganization. However, generally there was no State financial incentive to encourage this process. During the 1920's, financial incentives became available to those who reorganized. Since that time reorganization has carried with it financial incentives. At the present time these incentives include additional building operational aid. Bills are introduced each year changing such incentives. For this reason, it would behoove districts to keep in close contact with the office in the Education Department that is responsible for administering the laws which are on the books and obtain its perspective on the effects of proposed legislation on any possible reorganization which might involve them.

Mergers by themselves would not necessarily qualify newly-reorganized districts for additional aid. Criteria outlined in the appropriate legislation must be met before aid can be released.

Many of the early central districts had relatively small pupil populations. At that time they provided much better educational opportunity. However, eventually, it became obvious to many people that even the central districts formed in the twenties and thirties could not provide opportunities to a large percentage of a district's students.

It was impossible to provide adequately for many children with handicapping conditions and for certain students who wished to pursue possible career opportunities directly from high school. In addition to these two large categories, program offerings to academically-oriented students were often limited by the size of schools.

At the present time, the benchmark for the size of a district to offer adequate educational opportunities for the academically-oriented student economically is a minimum of 700 in the top three grades of a secondary school. This would be the minimum number. However, in some areas of the State, such a level would be unreasonable because of the geography of the resulting combined district.

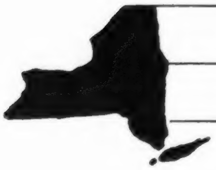
Since occupational education is generally accomplished through the Board of Cooperative Educational Services, the need to meet the benchmark of 1400 in the top three grades is not germain. A larger reorganized district will be able to provide for the majority of its own children with handicapping conditions. For those with more severe handicapping conditions, the Board of Cooperative Educational Services provides access to appropriate programs.

Through a detailed study which can be aided by the various appropriate offices in the Education Department, it may become evident that a newly formed district will be able to offer better educational opportunities at a lower cost, or at the same cost to the individual district taxpayer, as well as for a lower contribution from the State's yearly budget.

Although it is permissible for districts to share directly the costs of certain functions, a reorganized district may result in a size which will provide efficient and economical operation. Economies can result in better use of professional, clerical and custodial staff, and better use of facilities.

At present, it is not uncommon for buses to travel through neighboring school districts to serve the pupils from its own district. In this manner, total transportation costs are reduced without complete reorganization.

Many of the steps which a district would take and which are identified earlier in this presentation would be reviewed when the possibility of district reorganization is being considered. If a better program offering could be provided with a more economical and efficient use of staff and ultimate facilities, reorganization should be considered.



# School Business Management

R. School District Budgeting **R-1**
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# SCHOOL DISTRICT BUDGETING

August E. Cerrito
Chief (Ret.)
Bureau of Educational Management Services
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## The Superintendent and the School Budget

This study of the School Budget and School Budgeting will be predicated in part on the assumption that superintendents of schools already possess a basic knowledge of the "art" of budgeting. Therefore this will not be a primer, but a general guide, for reference as needed.

There are several essentials in the budgeting process that must never be forgotten if one is to maintain proper control. Delegation to support staff of those responsibilities related to data gathering is an administrative prerogative. However, final decision-making must remain with the superintendent, since this individual is the Chief Executive Officer of the School District and any error will ultimately fall at his/her doorstep.

A second essential is to always remember that budgeting is an on-going process that is not left to chance or to a few weeks before presentation for approval.

A third vital consideration is that an approved budget does not give the superintendent cause to rest on his or her laurels for another year. Rather, it is where the chief executive's responsibility for administering the budget begins. The administration process is equally as important as that of development.

A fourth maxim is that when presenting budget data to a board or to the community, always have the facts at one's command. Far too many superintendents have lost credibility because they were unable to make such presentations with confidence and assurance.

A fifth maxim is to have an approved budgeting policy in place (see Appendix A).

Finally, remember that the school district budget is perhaps one of the superintendent's most important public relation vehicles. How it is prepared, how it is presented, how it is defended are those things that remain in the memory of one's constituency both within and outside the district.

## Types of Budgeting

A district may employ budgeting procedures which are similar to or variations of the basic methods used by a vast majority of school districts. However, it is prudent to review from time to time each of those which follow to make certain that these procedures are the most effective for the district.

If a change in method is contemplated, it is important to remember that prior to any such implementation, a full explanation of the differences between the old and the new must be made to the board and to all key staff. It should be apparent that deliberate initial planning and forethought will prevent difficulties later on.

Basically, there are three types of budget development procedures most districts employ to arrive at annual appropriation needs: centralized, decentralized, and cooperative budget systems. Most districts use one of these or variations of these basic methods. There are other types of budgeting such as incremental, and more esoteric varieties which include program budgeting and zero based budgeting.

No matter what system is employed, it is imperative that the board of education establish policy with the superintendent's guidance. At the very least, such policy should include a timeline establishing when various aspects of the budget should be completed for presentation to that body for their consideration.

Since space does not permit a comprehensive development of each of the budgeting methods mentioned above, only the main features of each will be illustrated for reference.

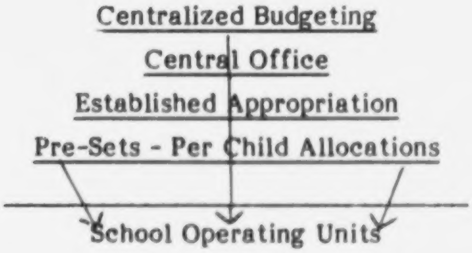
### Centralized Budgeting

As the name implies, this method is a budgeting process in which the central office does the bulk of the data gathering and relies minimally on school building staff for their recommendations.

A usual pattern of development in this process is to first determine revenue and enrollment projections, then allocate a dollar amount per child for supplies, equipment, and various other supportive expenditures systemwide. Following this exercise building principals and department heads are usually asked to submit requests based upon the preset allocations. Staffing needs and the appropriations necessary for other aspects of the school district operations such as Operations and Maintenance requirements and Debt Service are determined by the central office (the superintendent's office), usually in conjunction with the business official if one is employed. Since 70 to 80 percent of a school district budget is comprised of salary and salary related items, it is apparent that in this process little contribution to the final document is made by the individual building units or the various department heads.

Some school boards, and superintendents for that matter, have an inclination toward this type of budget since it permits them to arrive more easily at the tax rate which they have established beforehand. While some budgeteers call this "dirty pool", since it does not fully weigh the educational and other needs of the district, its implementation is more prevalent than one would surmise.

If one were to analyze this procedure, its principal merit is that it materially reduces the time required to complete a tentative budget since most, if not all, of its inclusions are determined in advance by the central office. On the other hand, the centralized method of budgeting does not assess differences in educational needs between school units in a multi-unit school district, nor does it allow participation in the budget development process by staff outside the central office.



## Decentralized Budgeting

If fully adhered to, decentralized budgeting is diametrically different from centralized budgeting. In other words it goes from one extreme to another in concept.

In this method, the primary responsibility for budget development rests with the principal and staff of the individual school unit. It is a bottom-to-top procedure.

The process initiates when a principal and his staff prepare a building budget which includes staffing costs and supplies and materials for the educational program, as well as operation and maintenance functions including capital improvements. In addition to these components, support services from the various central office resource centers may also be included as part of the building budget.

The central office enters the picture at this point by collecting the various building budgets for review and evaluation prior to presenting them to the board of education for approval. The central office then prepares a budget which includes projected debt service, all cuts related to the general support activities found in the budget, as well as any others not covered in the operating units' budget request. Anticipated revenues must be estimated and, following board approval of the total requested appropriations, the real property tax should be established.

The most apparent value of this budgeting approach is that it provides for differences in need of the individual buildings rather than the per child allocation found in centralized budgeting. It also involves staff in the development process to a far greater degree than most budgeting concepts.

On the other hand, decentralized budgeting is a more difficult method to manage because a greater number of individuals are involved in the procedure from initial estimates to final approval by the board. Therefore, prior to embracing such a budgeting concept, the superintendent must be prepared to expend greater effort to achieve positive results. However, if properly executed, the positive values attained may outweigh any added effort. The greater involvement of staff in this process gives them the opportunity to meaningfully understand the decisions necessary to arrive at a final appropriation which is necessary to maintain an educational program with available resources.

Decentralized Budgeting
School Operating Units
Central Office

## Cooperative Budgeting

Cooperative budgeting, a conceptual system which allows individual building units to develop budgets in much the same manner as permitted in decentralized budgeting, is more limited in scope. Within this type of development the building principal would be responsible for estimating needs related to custodial service, office supplies, instructional program and other equipment and supply items necessary to maintain daily operation. All other budgetary requirements such as personnel costs, transportation, cafeteria operation, library and capital improvements to the building would be determined by the central office.

The key to success in this type of budgeting, as it is with any system, is to maintain complete communication between central office and the school operating units. Any changes to requests submitted by the building principals would be indicated to those individuals by the central office on a continual basis, until the final budget is determined.

## Other Budgeting Concepts

Over the years, several supposedly optimum methods of budgeting have come on the scene. Many have been adopted by some only to fade into relative obscurity. Examples of such budgeting concepts are Program Budgeting (PB), Planned Program Budgeting Systems (PPBS), and Zero Based Budgeting.

This compendium will not attempt to review the basic features of each, since space does not permit such explanations. However, it must be pointed out that each of the three has a basic advantage. Each comprehensively identifies the needs of a school district by making an intense analysis of each program and its value. However, if fully implemented in order to achieve their ultimate worth, each approach also requires extensive time-consuming exercises using a significant amount of staff time and community involvement. These factors have apparently dampened the ardor of many of those who first embraced these concepts.

## Incremental Budgeting

Basically, incremental budgeting is based on the use of percentage factors (increases or decreases from the prior year). Each line item or general category of the budget is estimated by applying a percentage to the prior year's expenditure. In some instances, the board determines what tax rate it would like to achieve, then the percentage of increase is determined on this basis and applied to the various budget categories. In others, the increase may be determined by the rate of inflation. In any event, the final appropriation is arrived at, not by analysis of needs, but by percentage factors.

This method is perhaps one of the swiftest and most expedient ways to arrive at a total appropriation. However, as mentioned above, it is very apparent that little or no thought is granted to a review of the educational and other supportive needs which comprise the totality of the school budget.

If one were to poll superintendents and/or board members in the majority of instances, each would vehemently deny that they follow this practice of budget development. However, its use, either in a modified or total form, is probably more prevalent than one would surmise.

## The Budget Calendar

No matter what budgeting concept is used in a school district, a calendar of budgetary considerations should be in place so that an orderly development of needs occurs.

The following is a sample budget calendar which outlines some of the main activities to be completed in order to arrive at a final tentative appropriation. It may be simplified or made more comprehensive to suit the requirements of each district.

| ACTIVITY | TIME | PERSON(S) RESPONSIBLE |
|---|---|---|
| Evaluate last year's program. | July | Chief School Officer (CSO) |
| Review debt service schedule. | " | School Business Official (SBO) |
| Conduct individual school plant surveys. | " | Principals, Supervisor Oper. and Maint. |
| Estimate anticipated state and federal revenue. | August | SBO |
| Estimate anticipated local non-tax revenue. | " | SBO, Cafeteria Mgr. |
| Estimate total revenue and and expense for budget period. | " | SBO |
| Determine educational objectives and policy. | September | CSO, Board of Education |
| Prepare estimates of school board and central administration budget requests for supplies, equipment and personnel. | October | SBO |
| Distribute budget preparation information and request forms. | " | SBO |
| Review school board and central administration budget requests. | " | Citizens' Budget Advisory Committee |
| Prepare building level administration and instructional budget requests for supplies and equipment and capital improvement. | " | Principals, coordinators, directors |
| Prepare building level conference expense requests. | " | Principals |
| Prepare building level personnel requests (both classified and certificated). | " | Principals |
| Prepare building level budget requests for supplies, equipment, and Maintenance. | " | Principals |
| Review/revise building level expense requests for plant personnel. | November | Supervisor Oper/Maint. & CSO |
| Prepare estimates for fuel, utilities, contracted services, and misc. plant expenses. | " | Supervisor Oper/Maint. |

| ACTIVITY | TIME | PERSON(S) RESPONSIBLE |
|---|---|---|
| Review/revise instruction expense for regular day school, special schools, and community service requests. | November | CSO and Board of Education |
| Review/revise operation and maintenance of plant expense requests. | " | Board of Education |
| Prepare and exchange professional staff/school board negotiation proposals. | December | Instructional staff and Board of Education |
| Conduct professional staff/school board negotiations. | " | Instructional staff and Board of Education |
| Review instruction expense requests for regular school, special schools, and community services. | " | Citizens' Budget Advisory Committee |
| Tentatively approve instruction expense requests for regular school, special schools, and community services. | January | Board of Education |
| Secretarial staff/school board negotiation proposals developed and exchanged. | " | Secretarial personnel and Board of Education |
| Conduct secretarial staff/school board negotiations. | " | Secretarial personnel and Board of Education |
| Custodial staff/school board negotiation proposals developed and exchanged. | " | Custodial personnel and Board of Education |
| Conduct custodial staff/school board negotiations. | " | Custodial personnel and Board of Education |
| Tentatively approve operation and plant maintenance expense requests. | February | Board of Education |
| Prepare regular and special transportation expense requests | " | SBO and Transportation Supervisor |
| Prepare oil, gas, vehicle insurance and maintenance expense requests. | " | SBO and Transportation Supervisor |
| Review/revise all transportation expense requests. | " | CSO and Board of Education |

| ACTIVITY | TIME | PERSON(S) RESPONSIBLE |
|---|---|---|
| Prepare cafeteria expense requests for personnel, supplies, and equipment. | February | Cafeteria Manager |
| Review/revise expense requests for cafeteria personnel, supplies and equipment. | " | CSO and Board of Education |
| Prepare and exchange cafeteria staff/ school board negotiation proposals. | " | Cafeteria staff and Board of of Education |
| Conduct cafeteria staff/school board negotiations. | " | Cafeteria staff and Board of Education |
| Prepare capital improvement expense requests. | " | SBO and Supervisor of Oper/Maint. |
| Review/revise capital improvement expense requests. | " | CSO and Board of Education |
| Review capital improvement expense requests and cafeteria expense requests. | " | Citizens' Budget Advisory Committee |
| Calculate retirement, social security, health insurance, and other undistributed expense requests. | March | SBO |
| Approve financing plan for approved tentative budget. | " | Board of Education |
| Approve tentative budget for presentation to the public. | " | Board of Education |
| Publish required legal notices. | April | School District Clerk |
| Develop plans for registration and vote on school budget. | " | Board of Education |
| Print detailed tentative budget. | " | SBO |
| Distribute detailed tentative budget to the public. | " | SBO |
| Present completed tentative budget to the public. | " | Citizens' Budget Advisory Committee and Board of Education |
| Conduct hearing on budget for the public. | May | Board of Education and CSO |
| Hold annual meeting on budget. | " | Board of Education and CSO |
| Conduct vote on school budget. | " | School District Clerk |

## A Three Budget Approach

A dilemma many superintendents face each year is trying to estimate the amount of state aid they will receive. Fortunately, for several years the legislature has approved aid legislation in sufficient time for the school districts to incorporate a fairly valid estimate in their budget documents. However, this has not helped the small city school districts which depend on "Hurd" aid to supplement the operating aid they receive. Certainly the track record of the legislature over the past has not demonstrated a continuing ability for timely performance in determining financial support for the school districts.

In view of this uncertainty, a superintendent would be prudent to develop three budget estimates which may be called optimistic, pragmatic, and pessimistic. Although this may seem like a herculean undertaking, it is not. A basic budget must be developed in any event. The board, in concert with the superintendent, may add to those categories of the basic budget additional appropriations which, it feels, would enhance a particular program if revenues were available. This becomes the optimistic budget. At the other end of the extremity, the pessimistic budget should be so constructed to reflect how a district could operate, albeit under severe restrictions. The budget presented to the voters would then mirror any increases or decreases in state aid anticipated, as well as a realistic tax rate which would be more palatable to the constituency.

## Administering the Budget

Assuming the budget passes, one cannot, as stated earlier, sit back and let things fly. Integral to the whole budgetary process is the responsibility to administer the budget in an orderly and efficient manner. Administering the approved budget and development of a following years budget is a concomitant process. Both are equally important to the whole.

Properly administering an adopted budget is a complex and demanding task for the superintendent of schools, the business officer, and the board of education. State laws, the Regulations of the Commissioner and the board of education policy must all be considered in translating the financial plan into the educational program of the school district. To achieve this objective, the following activities should be implemented:

The accounting staff should mass-encumber contract salaries, debt service payments, contractual agreements, BOCES contracts, fringe benefits, and other known expenditures. Also, all purchase orders should be encumbered prior to release and all expenditures should be posted on a current basis.

Transfers should be made between function and object codes prior to overexpenditure or overencumbrance.

Borrowing and investments should be made on the basis of a monthly cash flow analysis.

Accurate budget status and treasurer's reports should be provided to the board and administration on a monthly basis.

An accurate prediction of a year-end fund balance should be made beginning in February by a series of estimated June 30th balance sheets.

There are four major tools that may be used by the board and administration to administer the budget. They are the budget status report, the treasurer's report, the cash flow chart, and the estimated June 30th balance sheet. A detailed explanation of these financial tools follows:

## Budget Status Report

Section 170.2(p) of the Commissioner's Regulations requires that the treasurer of each school district render a report, at least quarterly (monthly in the event that budget transfers have been made since the last report) for each fund, including no less than the revenue and appropriation accounts required in the state budget form. This report must show the status of these accounts in at least the following detail:

(1) Revenue Accounts
    Estimated Revenues.
    Amount received as of the date of the report.
    Revenues estimated to be received during the balance of the fiscal year.

(2) Appropriation Accounts
    Original appropriations.
    Transfers and adjustments.
    Revised appropriations.
    Expenditures to date.
    Outstanding encumbrances.
    Unencumbered balances.

School districts should give consideration to the addition of a fourth column to the revenue section entitled "Overages and Deficiencies". This would provide a clearer picture of the revenue accounts. After the district's accounting records have been posted up-to-date, and after mass encumbering has been completed, an estimate of fund balance can be obtained by applying the net total of the overages and deficiencies to the total unencumbered balance in the appropriations section.

This report is used by the purchasing agent to review appropriation accounts and to determine if transfers are needed. It is, therefore, imperative that this report be generated on a monthly basis.

## Treasurer's Report

Section 170.2(o) of the Commissioner's Regulations requires the treasurer to render a monthly report to the board of education for each fund showing the cash balance on hand at the beginning of the month, receipts by source during the month, total disbursements during the month, the cash balance on hand at the end of the month, and reconciliations with bank statements.

This report provides the board and administration with a monthly summary of the district's cash position and identifies both cash investments and cash on hand.

## Cash Flow Chart

A cash flow chart projects the district's estimated monthly revenues and expenditures for the fiscal year and indicates anticipated surpluses or deficits of cash at any given period of the year. It should be prepared at the beginning of the fiscal year and updated each month.

This chart is used to predict when surplus cash will be available for investment and when the district will need to borrow to cover current expenditures.

## Estimated June 30th Balance Sheet

The prediction of a fund balance at the end of each fiscal year is essential if a district is to avoid a deficit position or too large a fund balance. A fund balance prediction is important to the budget development process since it affects the amount of taxes needed to support the district budget.

Each year, starting in February, the business officer, with the assistance of the district treasurer, should develop an estimated June 30th balance sheet. This requires projecting the estimated expenditures for the remainder of the fiscal year, comparing these to appropriation balances, reviewing revenues yet to be received and the fund balance remaining from the previous year, and comparing these with the estimated revenues to determine if there will be a surplus or a deficiency. The difference between year-end expenditure totals and the fund balance remaining from the prior year, together with actual revenues, is the fund balance from operations. This process should be repeated in March, April, May and June and each succeeding month should provide a more accurate prediction of a fund balance.

The information supplied by an estimated June 30th balance sheet will enable the district to "manage" its fund balance by either increasing or decreasing expenditures in accordance with projected revenues.

All school districts should use these four financial tools to administer their budgets so that deficits may be avoided and the best possible use may be made of district monies.

## Contingent Budgets

If a budget is defeated, don't panic. It is not a catastrophic event, although a vexing one in some instances. Some superintendents, particularly those experiencing a defeated budget for the first time, have a tendency to over-react to the situation. This may be partly attributable to the board's reaction to the defeat. Keep cool and begin an immediate assessment of why the budget was not approved by the constituency.

In most instances a simple answer will emerge as to why the voters disapproved the estimated tax increase on real property. However, this fact may only be a visible reason which may mask others that also contributed heavily toward the defeat. Some of these may lie within the community(s) the school district serves and not be related to the tax rate on the total budget presented for approval.

Once such an evaluation is completed, share this information with the board and proceed to make any adjustments in the planned appropriation prior to its re-submission to the voters. In this interim, the superintendent's ability to defend the proposed budget with candor must come into play. Above all, the chief executive should not threaten the public with loss of services, particularly transportation beyond the two and three mile limit, and interscholastic athletics. Rather, one's approach should be straightforward and indicate that the statutes require such budgetary eliminations, that they are not the superintendent's or the board's effort to coerce a positive vote.

One of the options available following an initial defeat is to return to the voters with the original budget. This approach is employed by some boards of education which feel that the initial budget was not arrived at in a frivolous fashion, but is what the district requires to operate in an optimum manner. If this course is followed it should first be determined, based upon the superintendent's assessment, that the voters may not have been adequately informed of the programmatic or other needs prior to the initial budget vote.

If this cannot be ascertained completely the superintendent should consider the other options available in these circumstances.

A second option, which is widely used by school districts in these circumstances is to adopt a contingent budget and to present separate propositions to the voters for such non-contingent items as transportation under the statutory requirements of two and three miles, interscholastic athletics, library books, and equipment replacement. Many boards and superintendents feel that this option at least provides them with a complete budget if all propositions pass, and a portion of what is needed if only some of them are approved. Strangely enough, community support for restoration of the interscholastic program and transportation often surface.

A third course the board may elect to follow is to reduce the original proposal to what may be considered a "bare bones" budget and then resubmit it to the constituency for their approval.

In any event, an appropriation must be established for contingent items by board resolution at the beginning of each fiscal year, if a budget has not been approved. The board, by resolution, may adopt a complete contingent budget as authorized by law or authorize sufficient appropriations to carry on its affairs pending another re-vote. Remember that no expenditures can be made without a board-approved appropriation.

If the board determines that it will not return to the voters for approval and adopts a contingent budget instead, determining what constitutes contingent expenses may require legal assistance from the school district's attorney or the State Education Department's Office of Counsel. A contingent budget manual (see Appendix B) has been prepared by the State Education Department to assist school districts in making such determinations. All decisions as to what constitutes a contingent expense must be made by board resolution and not by the superintendent acting unilaterally.

Over the years, many attempts have been made to produce some semblance of clarity in the laws that govern what a school district can do under a defeated budget. Each year various pieces of legislation have been proposed by the Legislature, but none of substance has been approved.

## Conclusion

Proper budgeting is perhaps one of the most important responsibilities of a superintendent of schools. It is not an arcane process only known to a few, but one which is governed by common sense and a knowledge of programmatic needs. It can be mastered by all superintendents. Remember that the entire educational program is dependent upon adequate appropriations. The superintendent of schools, working in conjunction with the board of education, must assure that the necessary resources are available to achieve school district objectives.

The foregoing guidelines are by no means a comprehensive treatment of budgeting and all of its related aspects, since many of the various nuances which may arise during the course of budgetary events could not be addressed within the limits of this presentation. Hopefully it will serve as a reference to superintendents as they carry out this most essential aspect of school leadership.

# APPENDIX A

## BUDGETING POLICY

### (A Sample Statement)

1. Responsibility

The responsibility for budget formulation and presentation rests with the board of education (Education Law 1716, 1804, 2516).

2. Designation

The chief school officer and all members of both the professional and classified staffs are charged with the responsibility for assisting the board of education in the budget development process.

3. Initiation

The chief school officer is responsible for initiating the budget process. He shall be assisted by the school business official.

4. Budget Calendar

The board of education with the assistance of the chief school officer and the business official shall develop and formally adopt by motion a budget calendar setting forth the dates and order of consideration of budget items by the board.

The budget calendar will begin in August and continue throughout the year until the budget is formally adopted.

The chief school officer with the assistance of the business official will develop an administrative calendar of target dates for use by the staff in preparing data for presentation to the board.

5. Long-Range Planning

The business official and his staff will prepare a five-year projection of expenditures, revenues, and estimated tax rates to enable the board to foresee the ramifications of proposed salary schedules, program changes, and staff additions.

The five-year projection will be updated and extended each year.

6. Standard Supply Lists

The business official, with the assistance of the staff members concerned, shall develop standard supply lists to be used in the development of budget cost estimates and to serve as a basis for bids.

All standard supply lists will be updated each year and contain a place where staff may add items not found on the lists. One column in the supply list will require the staff member to record the number of each particular item on hand.

7. Preparation of the Budget

The business official will distribute standard supply lists and other budget collection forms to the staff in conformance with the budget and administrative calendars.

All staff members will make anticipated needs known by completing these documents and forwarding them to the building principal or department head.

Budget data forms will be carefully reviewed by each department head and principal, collated by building, and forwarded to the business office for review and computation of the district budget.

The budget document should be transmitted to the chief school officer who will evaluate requests in light of the district's educational philosophy and program. With the aid of the school business official and through consultation with principals and department heads, he shall make necessary changes to achieve a budget which will be adjusted for the needs of the district and are within the available financial resources of the district.

The budget will then be presented to the board of education.

8. Popular Budget

A popularized form of the budget for presentation to the district residents will be prepared by the chief school officer with the assistance of the business official.

This document shall be easy to read, provide budget information in an organized manner and contain at least the following:

a. A letter of transmittal from the board.

b. A statement of philosophy and objectives of the school system.

c. Pictures, charts, tables, and graphs to provide an attractive and interesting format.

d. Outline the expenditure plan and revenue plan in as much detail as provided by the annual state budget form together with an explanation of what kinds of items of services will be purchased with the funds.

e. Comparative statistics for at least one year prior to the current proposed budget with respect to expenditures, income, enrollments, valuations, and tax rates.

f. An overview of the educational and service programs of the district.

g. A list of budget recommendations which are being deferred for future consideration.

h. A listing of the qualifications of voters.

i. Information concerning budget hearings, annual meeting, and budget vote (where required).

The popularized form of the budget will be approved by the board prior to release.

9. Dissemination of Budget Information

The board of education and the administration will make every effort to keep district residents informed concerning fiscal needs of the school system. This will be accomplished by the following:

a. News releases to local papers, radio and television stations.

b. District newsletters.

c. Large and small group meetings.

d. Provision for wide dissemination of the popular budget.

e. Annual meeting or hearing.

10. Fund Balance

Since the total amount of A909 Fund Balance, with the exception of up to two percent, must be utilized to reduce the tax levy in the next fiscal year, its accurate prediction at the time the budget is completed is imperative. The business official will have prepared an estimated June 30 balance sheet for presentation to the board prior to its adoption of the budget.

11. Authorization

Final approval of the tentative budget document (for presentation to the district voters where required) rests with the board. The chief school officer and such members of his staff as he shall deem necessary, shall be prepared to explain and justify the budget to the board in sufficient detail to make clear the importance of each item in the educational program.

Final authorization of the budget rests with the voters of the district (where such procedure is required by law). Upon approving a document, it becomes the responsibility of the board to ensure that the tentative budget is explained to the public through the chief school officer by such media as formal and informal hearings; printed explanations both simple and detailed; and press, radio, and television.

## 12. Administration

The chief school officer is responsible to the board for the administration of the budget. He shall proceed as follows:

a. He shall acquaint district employees with the final provisions of the budget and guide them in planning to operate efficiently and economically within those provisions.

b. Under his direction, the treasurer shall maintain such records as are required by the Uniform System of Accounts, and such other records as are deemed necessary, and shall keep the various administrative units informed as to the status of their individual budgets. He shall discuss any deviations from original requests with the business official.

c. Heads of administrative units are responsible to the chief school officer for operation of their units within budgetary limits.

d. The board of education shall require the district treasurer to render a monthly status report for each fund including no less than the revenue and appropriation accounts required in the annual state budget form (Commissioner's Regulations, Section 170.2(p)). The report will show the status of these accounts in at least the following detail:

Revenue Accounts

1) estimated revenue
2) amounts received to date of report
3) revenues estimated to be received during balance of fiscal year
4) overages or deficiencies

Appropriation Accounts

1) original appropriations
2) transfers and adjustments
3) revised appropriations
4) expenditures to date
5) outstanding encumbrances
6) unencumbered balances

## 13. Budget Transfers

Since Section 170.2(k), Commissioner's Regulations, requires the board to keep the incurred obligations within the amount of the total annual approved appropriations voted or authorized, and since no function or object should be either overencumbered or overspent, the board will authorize the chief school officer each year at the reorganizational meeting to make necessary budget transfers in accordance with Section 170.2(l) of Commissioner's Regulations.

Each time the chief school officer approves a transfer of funds, such transfer will be shown on the budget status report presented to the board by the treasurer at the next regular meeting.

## APPENDIX B

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
99 WASHINGTON AVENUE
ALBANY, NEW YORK 12230

ASSISTANT COMMISSIONER FOR
EDUCATIONAL FINANCE AND
MANAGEMENT SERVICES

BUREAU OF GENERAL EDUCATIONAL MANAGEMENT SERVICES
CHIEF: 518: 474-3911

BUREAU OF SPECIAL EDUCATIONAL MANAGEMENT SERVICES
CHIEF. 518: 474-3384

August 5, 1977*

TO: Officials Concerned with School District Budgets

SUBJECT: Board of Education Responsibility for Contingency Budgets

The question of what constitutes a Contingency or "Austerity" budget has taken on new urgency for boards of education as the problems of financing the schools have increased.

The determination as to the items to be included in a Contingency budget must be made by the board of education, with due regard for the various applicable provisions of law. Where the determination of the board is attacked as improper by a qualified voter, the decision on such an appeal is made by the Commissioner of Education. In order to be helpful to school districts, the Office of Counsel in the past has transmitted available information about such Decisions of the Commissioner and about pertinent statutes to school district officials.

In order to bring together in a convenient form all the information presently available, the attached document has been prepared by the Bureau of General Educational Management Services in close cooperation with the staff of the Office of Counsel. A committee of school administrators also gave helpful suggestions.

It is not intended that this document will answer every question which a board or administrator may raise. The laws, while specific with respect to some matters, deal in a general way with others; consequently, interpretations could not be rendered to cover each question which might arise, because conditions vary from one district to another.

It is anticipated that, as changes in the laws occur or additional interprepations are made, this document will be modified from time to time.

We hope that this publication will be helpful to your Board of Education, if it should be faced with having to make decisions in connection with a Contingency budget.

* Revised April 14, 1981

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## BOARD OF EDUCATION RESPONSIBILITY FOR THE DETERMINATION OF "ORDINARY CONTINGENT EXPENSES"

In all school districts of the state, other than city school districts, school budgets are determined by the qualified voters of the school district.

In the event the voters reject a proposed budget, the board of education is empowered to levy a tax sufficient to defray the cost of those items specifically authorized by statute, and the cost of those items determined by the board to constitute "ordinary contingent expenses."

The basic rule is found in Education Law, Section 1718, which reads as follows:

> "Section 1718.[1] Limitation upon expenditures.
>
> 1. No board of education shall incur a district liability in excess of the amount appropriated by a district meeting unless such board is specially authorized by law to incur such liability."

The exceptions from this basic rule are contained in Section 2023, which reads as follows:

> "Section 2023. Levy of tax for certain purposes without vote. If the qualified voters shall neglect or refuse to vote the sum estimated necessary for teachers' salaries, after applying thereto the public school moneys, and other moneys received or to be received for that purpose, or if they shall neglect or refuse to vote the sum estimated necessary for ordinary contingent expenses, the sole trustee, board of trustees, or board of education may levy a tax for the same, in like manner as if the same had been voted by the qualified voters."

The reason for these provisions is found in the State Constitution which requires, as interpreted by the courts, that the schools of the state must be kept in operation at all times so that the youth of the state may have access to uninterrupted education.

---

[1] See also subdivision 2.

The responsibility for determining which items in a school district budget fall under the concept of "ordinary contingent expenses," rests with boards of education.

Where individual citizens disagree with such a determination of a board of education, they are authorized to present the question to the Commissioner of Education who then, pursuant to Section 2024 of the Education Law, determines the issue.

The purpose of the present document is to summarize the relevant statutory provisions and the general information contained in Formal Opinion of Counsel, No. 213, dated July 6, 1967 (which replaces No. 93, dated April 28, 1961). A copy of No. 213 is attached. This opinion, in general terms, sets forth the rationale behind pertinent decisions of Commissioners of Education over the years and statutory provisions, as they affect the determination of the term "ordinary contingent expenses."

While it is not possible in this document to answer every question which may be raised concerning contingent budgets, it is hoped that it will help to clarify those questions most frequently asked.

## RESPONSIBILITY OF THE BOARD OF EDUCATION

After determining teachers' salaries necessary to retain and recruit competent teachers, the board is faced with the necessity of determining ordinary contingent expenses. The statute clearly indicates that the board of education, in the first instance, must determine whether or not an expenditure is an ordinary contingent expense. The intent of the statute is, of course, to enable the board to provide the minimum services legally necessary for operating and maintaining schools, so that no child is denied an education by a refusal or failure of the people to act.

## OPTIONS OPEN TO THE BOARD OF EDUCATION

There are several options open to a board when its budget is defeated, such as:

1. The board may prepare and adopt a contingent budget without going back to the voters.
2. The board may present the original budget request or a revision of such request at a special district meeting. (There is no restriction on the number of times a budget may be presented to the voters, except that the amount of the tax levy must be established in sufficient time to levy the tax. Otherwise, a special tax levy may be necessary. See Misconception Number 2 below.)
3. The board may establish a contingent budget and present one or more special propositions to the voters, giving them the opportunity to appropriate funds in support of services which cannot be provided without voter approval. A separate proposition may be presented for each such service, or several services could be voted upon in one proposition.

## MISCONCEPTIONS

Many misconceptions have arisen concerning defeated school budgets. The most common of these, together with comments about each, are as follows:

### Misconception Number 1

"The Commissioner of Education imposes a budget if the voters continue to turn the budget down." The Commissioner does not have this authority. It is the responsibility of the board of education to adopt a contingent budget, if the voters refuse to pass the budget.

### Misconception Number 2

"The district must have a budget by July 1." There is no such requirement. However, any expenditures made by a board of education between July 1 and the time of the adoption of a budget must be either for teachers' salaries or ordinary contingent expenses, and an appropriation therefor should first have been made by the board. When a budget is finally adopted, either by the voters or by the board, such expenditures should, of course, be included.

### Misconception Number 3

"A special meeting must be called in the event of a defeated budget." This is at the discretion of the board of education, unless a petition for such a meeting is properly filed in accordance with Section 2008 of the Education Law.

## ORDINARY CONTINGENT EXPENSES

When a board of education is faced with adopting a contingent budget after the voters have refused or continued to refuse to approve the budget, the crucial question is the determination of what constitutes ordinary contingent expenses. In general, except for those items over which the statutes themselves either provide mandates for or give discretion to the board of education, these may be considered those expenditures deemed to be absolutely necessary to operate and maintain schools. The emphasis should be on those expenditures considered essential to maintain an educational program, preserve property, and assure the health and safety of students and staff. The board of education must exercise its best judgment in determining what those minimum expenditures shall be.

Formal Opinion of Counsel No. 213 specifically discusses provisions for teachers' salaries as authorized by Section 1709, subdivision 16, of the Education Law. It also divides ordinary contingent expenses into three categories: (1) legal expenses; (2) expenditures specifically authorized by statute; and (3) other items necessary to maintain the educational program, preserve property, and assure the health and safety of students and staff.

Examples are given in Opinion 213 of some expenditures which are not considered to be acceptable ordinary contingent expense items. In general, these may be defined as those items which are not required to maintain a minimum educational program, to preserve property, and to assure the health and safety of pupils and staff. Excluded are those expenditures which, by law, only the voters can authorize. Examples of the latter are certain nonmandatory transportation services, the purchase of new equipment, and budgetary subsidies for school food service.

There are certain items of expenditure which require a fuller explanation than was possible to give in Opinion 213. These are discussed below:

1. Public Employees Fair Employment Act (Taylor Law)

   a. Agreement entered into under the provisions of this Act must be honored by the board of education.

   b. In the case of noninstructional employees, the board of education is still required to determine the number necessary under a contingent budget, as indicated in Opinion 213, page 5, item 4. If the salaries for the required number of these employees have been determined by agreements under the Public Employees Fair Employment Act, such salaries are an ordinary contingent expense.

2. Transportation

   a. Contracts for More Than One School Year

      (1) If a district has such a contract which extends into the contingent budget year, the contract generally remains in effect. Further, the mileage policy in existence during the first year of such contract generally would remain during the entire term of the contract, and the cost of the contract is a contingent expense. This also means that if a district has such a contract, and it needs to provide additional service not covered by the contract during a contingent budget year, the transportation policy governing the basic contract must also be the guide for any additional transportation contracts.

      (2) If a district is providing transportation both with district-owned buses and under a term contract, generally the policy established under the term contract applies for all transportation services as long as the contract is in effect; therefore, the cost of such services, except for capital expenditures, becomes an ordinary contingent expense in accordance with this policy.

(3) Assume that a five-year contract providing for the possibility of additional services is authorized on the basis of a one-mile policy, that during the second year the voters authorized the policy to be liberalized to one-half mile, and that the budget for the third, fourth, or fifth year is defeated. The policy established during the second year remains in effect for the duration of the contract, unless the voters subsequently liberalize the policy still more. In no event may the voters change the policy to provide less service than was provided for in the first year of the term contract for the period of the contract, unless the contractor agrees or the contract provides for it.

b. The cost of transportation for pupils attending public schools within the district and residing more than two miles in the case of pupils in grades K-8 and three miles in the case of grades 9 - 12 is an ordinary contingent expense. Transporation of nonpublic school pupils beyond the two and three mile limits is an ordinary contingent expense up to fifteen miles. If transportation is provided to public school pupils attending public schools other than BOCES facilities within the district for distances in excess of fifteen miles, transportation for nonpublic school pupils attending nonpublic schools within the district is an ordinary contingent expense up to the maximum distance such public school pupils reside from the schools they legally attend and to which they are transported. If public school pupils are transported outside the district, under tuition contract, the rule is similar.

c. Shuttle service between public schools for instructional purposes is an ordinary contingent expense.

d. Field trips as enrichment of the instructional program are not considered an ordinary contingent expense.

e. Transportation, pursuant to article 89, for all handicapped children living up to and including 50 miles is an ordinary contingent expense.

3. Federal Programs

Generally, the principles governing contingency budgets are applied equally to Federally financed instructional programs, except see Opinion 213, II, I, p. 4 as attached.

4. Special State Programs

Generally, the principles governing contingency budgets apply to special State programs supported in whole or in part by State grants.

5. Public Library

If no separate proposition to raise money for the public library had been included in the budget vote, or if the amount requested had been greater than that included in the prior year's budget, the same amount approved by the voters in the year prior to defeating the budget becomes an ordinary contingent expense.

6. Use of School Buildings and Grounds by Outside Agencies

If there is no identifiable expense to the taxpayers, or where such extra costs are paid in advance in full by donations, the board of education may grant the use by outside agencies of school buildings and grounds. This does not apply to public school activities.

7. Interscholastic Athletics

The use of public funds for the maintenance of interscholastic athletic teams is not possible without voter authorization. However, if all costs associated therewith are donated in advance from an outside source, as permitted by Section 1718, subdivision 2 of the Education Law, the board of education in its discretion may accept such donation and operate the program. Since the salaries of teachers are an ordinary contingent expense, such donation need not provide for the salaries of coaches who are certified teachers. However, all other costs must be included in the donation, including transportation, officials' fees, athletic insurance, physicians' fees, towels, custodial services, equipment, supplies, etc. Gate receipts may be used in the reduction of the amounts necessary to be donated.

If a fully adequate donation is not available in advance to support an interscholastic athletic program, the interscholastic athletic program may not be operated. In this case, no appropriation may be included in the budget and no salaries may be paid.

8. Equipment

The cost of equipment does not normally constitute an ordinary contingent expense, as indicated in item 14 on page 5 of Opinion 213. This is true regardless of whether the equipment is to be purchased or leased in accordance with the provisions of Section 1725 of the Education Law as added by Chapter 382 of the Laws of 1971.

9. Pupil Supplies

When appropriations for free pupil supplies have not been approved by the voters, it becomes the responsibility of the parents or guardians to see that their children are provided with the items needed to attend upon instruction, as required by the Compulsory Education Law.

The responsibility of the school district on the other hand is to determine what supplies are considered pupil supplies as contrasted to those which should be called teacher supplies.

Pupil supplies should be deemed to be those supplies that are essentially retained by the pupil such as writing pads, looseleaf binders, pencils, rulers, etc. and other supply items required by the pupil and which are readily available from sources other than the school district; all other supply items required by the educational program approved by the board of education but which are not readily available from sources other than the school district should be deemed to be teacher supplies and therefore a contingent expense.

The following is an illustrative list of supplies which may be deemed to be pupil supplies and which are readily available from sources other than the school district:

writing pads
lined composition paper, excluding wide lined primary paper
typing paper
carbon paper
pencils, excluding primary pencils and special testing pencils
pens
erasers
rulers, yardsticks
notebooks, but not workbooks which are considered textbooks
gym shorts
t-shirts
sneakers
other personal athletic needs
compass
protractors
crayons, excluding oversize primary crayons
felt tipped pens
paper clips
rubber bands
mucilage
index cards, 3 x 5, 5 x 8

Of primary concern in the determination of pupil supplies is that the list be a reasonable one and that the parent be granted the option of purchasing such items from sources other than the school.

In the event that the parent or guardian opts to purchase such supplies from a source other than the school, no charge may be imposed upon them by the district.

The Commissioner in Matter of Hasslacher (Decision 9459) has determined that the school district need not afford parents the opportunity to make a piecemeal selection of items they may wish to purchase but may instead offer any or all supplies at a given total price.

## 10. Budget Format

The requirements as to budget format and availability of copies to voters applicable to budgets presented at the annual district meeting also apply to budget-related propositions for presentation at special meetings. Section 1716 of the Education Law requires that copies of proposed budgets be made available to voters during the seven days prior to the annual meeting, which requirement also applies to budget proposals for presentation at special meetings.

If it is proposed to ask voters for approval of appropriations related to more than a single function and/or object of expense, the amount proposed to be appropriated for each purpose must be specifically indicated. This means that a district may not properly ask voter approval for a lump sum to be used for various purposes such as transportation, equipment purchase, school lunch, and interscholastic athletics. While the total amount may be covered by a single proposition, it is essential that voters be advised of specific amounts which are proposed for each function or object. This must be done both in the wording of the proposition and in the copy of the material to be made available upon request to voters during the seven days prior to the special meeting.

The University of the State of New York
Education Department

July 6, 1967

FORMAL OPINION OF COUNSEL NO. 213

TO: City, Village and District Superintendents of Schools
Supervising Principals

Since Formal Opinion of Counsel #93 [1961] with respect to the question of the powers of a board of education to levy taxes for certain purposes in the event the voters of a district have refused to approve a proposed budget, there have been changes in the statutes and a number of additional questions have arisen. The items listed in the earlier letter have been included in this one.

In this connection, section 2023 of the Education Law reads as follows:

> "§2023. Levy of Tax for certain purposes without vote If the qualified voters shall neglect or refuse to vote the sum estimated necessary for teachers' salaries, after applying thereto the public school moneys, and other moneys received or be received for that purpose, or if they shall neglect or refuse to vote the sum estimated necessary for ordinary contingent expenses, the sole trustee, board of trustees, or board of education may levy a tax for the same, in like manner, as if the same had been voted by the qualified voters."

It is to be observed with regard to teachers' salaries that the board of education has an absolute discretion. Reference in this connection should be made to subdivision 16 of section 1709 of the Education Law, which is as follows:

> "§1709, subd. 16. To contract with and employ such persons as by the provisions of this chapter are qualified teachers, to determine the number of teachers to be employed in the several departments of instruction in said school, and at the time of such employment to make and deliver to each teacher a written contract as required by section three thousand eleven of this chapter, except as otherwise provided by sections three thousand twelve and three thousand thirteen; and employ such persons as may be necessary to supervise, organize, conduct and maintain athletic, playground and social center activities, or for any one or more of such purposes; and to adopt rules and regulations governing the excusing of absences of all teachers and other employees and for the granting of leaves of absence to such employees either with or without pay. The regular teachers of the school may be employed at an increased compensation or otherwise, and by separate agreement, written or oral, for one or more of such purposes.

Consequently, a board of education may determine for what purposes teachers (including any position certified to the Civil Service Commission as in the unclassified service) are needed, how much they are to be paid and what the terms and conditions of employment are to be, including, of course, providing for leaves of absence. This applies whether such teachers are employed for regular school service, full or part-time, summer school, adult education or for special programs of any kind, such as the recently authorized driver education on Saturday (L. 1967, ch. 654).[1] In each of these cases there need only be a determination by the board of education that such services are necessary.

The question of what is an "ordinary contingent expense," however, tends to be more complicated. The following are ordinary contingent expenses:

I. Legal expenses

   A. Debt service - interest and principal

   B. Judgments

      1. Courts

      2. Orders of Commissioner of Education

   C. Other legal obligations

      1. Social Security and other payroll taxes and assessments

      2. Preexisting contractual obligations.

II. Expenditures specifically authorized by statute

   A. Transportation (elementary, 2-10 miles[2]; secondary 3-10 miles[2]; handicapped up to 20 miles)* (Educ. L., §3635, subd 1; but see Formal Opinion No.226).

   B. Textbooks for grades 7-12,[3] including summer school (Educ. L., §701, subd 3, see Formal Opinion No. 181).

   C. Supplies for sale, rental or loan to pupils (Educ. L., §701, subd 5).

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[1] Section 3604, subdivision 8.

[2] Maximum distance raised to 15 miles by Chapter 755 of the Laws of 1974.

[3] Section 701 was amended by Chapter 587 of the Laws of 1973 to include textbooks in grades K-12.

*Now 50 miles for handicapped since amendment by Chapter 853 of the Laws of 1976.

D. Expenses in connection with membership in N.Y.S. School Boards Association, Inc. within this State (Educ. L., §1618)

E. Convention and conference expenses (Gen. Mun. L., §77-b)

F. Youth bureaus; recreation and youth service projects; and other youth programs (Exec. L., §§422, 423; but not under Gen. Mun. L., §§95, 244-b, which require authorization by voters)

G. District's share of services provided by a Board of Cooperative Educational Services (Educ. L., §1958)

H. Health services (Educ. L., §912)

I. Private, Federal or State donations not involving expenditure of local money (Educ. L., §1718, subd 2)

J. Nursery school (Educ. L., §1712, subd 2)

K. Accident insurance for pupils (Educ. L., §1709, subds 8-a, 8-b)

L. In-service training for teachers (Educ. L., §1709, subd 32)

M. Eye safety devices (Educ. L., §409-a)

III. Other items necessary to maintain the educational program, preserve property and assure the health and safety of students and staff.

The following is a partial list of such items deemed to be included in this category as an ordinary contingent expense:

1. Necessary travel expenses of board members and employees on official business

2. Amount necessary to pay for necessary legal services

3. Instructional supplies for teachers' use (regardless of program)

4. Necessary salaries for the necessary number of nonteaching employees. This not only applies to custodial and maintenance personnel, except cafeteria employees, but also to all other non-teachers such as the business manager and clerical personnel. Salary increases or increments may not be provided for these employees unless it is impossible to assure qualified personnel for the minimum service, in which case these employees may be paid necessary amounts.

5. Fuel

6. Water

7. Light and power

8. Telephone

9. Use of school buildings for the purpose of teachers' meetings and PTA meetings with school-connected purposes. These do not include programs of entertainment or of a social nature.

10. Emergency repairs of school plant

11. Maintenance of necessary sanitary facilities

12. Necessary expenditures for complying with Regulations of the Commissioner of Education pertaining to such items as fire alarm systems and fire escapes

13. Temporary rental of essential classroom facilities

14. Expenses for capital outlay are not ordinary contingent expenses. However, certain expenses, such as for emergency repairs, or to equip a classroom or classrooms where essential to house additional students, would be deemed ordinary contingent expenses. This does not include replacement of equipment, however.

15. Required civil defense equipment

16. Materials used in classes by students where uniformity is essential to the program or to preserve health and safety (chemicals, etc.)

17. Newspapers and periodical subscriptions for libraries and classroom use where essential for instruction or to preserve continuity of sets

18. Options on land where the price of the option is nominal

19. Expenditures necessary to advise district voters concerning school matters

20. Preliminary plans and specifications needed to submit propositions to voters

The following is a partial list of items not deemed to be an ordinary contingent expense:

1. Fee for evaluation of school system by the Middle States Association of Colleges and Secondary Schools

2. Fees for surveying school system by various individuals, groups, or organizations

3. Rental of office equipment, computers, etc.; rental of typewriters for secretarial help is clearly an ordinary contingent expense

4. Use of school buildings and grounds by outside organizations except where there is no identifiable extra cost to the district or such cost is fully paid by a donation before the activity occurs

5. Capital expenditures, except in an emergency

6. Transportation and maintenance of interscholastic athletic teams

7. Pupil uniforms whether for athletic activities or otherwise

*8. Cafeteria and school lunch operation, whether or not it is considered self-supporting. This means termination of the milk program and of the contract with the Education Department in connection with surplus foods. Surplus foods on hand will need to be returned but expense of returning such surplus food is an ordinary contingent expense.

9. New library books

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*Since the issuance of Formal Opinion of Counsel No. 213, the law has been amended rendering this statement obsolete. Section 1709, subdivision 22, now provides for the continued operation of a school food service program without "voter approval" providing two conditions are met: a. The program was operated during the preceding school year, and b. no "tax levy" is required for the operation of the program. The latter is interpreted as a budgetary appropriation.

If a controversey arises as to the application of what is an ordinary contingent expense as far as some particular item is concerned, an appeal lies to the Commissioner of Education under section 310 of the Education Law. See section 2024 of the Education Law, which reads as follows:

> §2024. Reference to commissioner of education. - If any question shall arise as to what are ordinary contingent expenses the same may be referred to the commissioner of education, by a statement in writing, signed by one or more of each of the opposing parties upon the question, and the decision of the commissioner shall be conclusive.

Sincerely yours,

Charles A. Brind

# STATE FINANCIAL AID

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## Introduction

New York State has a long tradition of maintaining and supporting quality public education. It has also been a leader in attempting to provide substantial, equitable support for public education. The area of school finance is a very technical, complex field closely tied to the State's political and legislative process. Knowledge of the field is necessary to enable an administrator to become proactive in educating the public, managing his/her organization, and effecting legislative changes beneficial to his/her school district. The purpose of this paper is to provide an historical and conceptual framework upon which current state funding procedures are based. It will also provide school administrators with a primer of the major aids affecting schools each year; how the various aid formulas distribute aid; and the procedures for claiming state aid. It will also present some of the issues generating discussion and conflict in the process of deciding state aid plans each year in the State Legislature.

## Background

The responsibility for education was granted to the states by the 10th Amendment of the United States Constitution. It has been interpreted that a state has the responsibility to ensure and to equalize public education for all as far as resources allow. The concept of equity; however, has many perspectives in relation to school finance. There is a concern for student equity; that is the provision of equal quality educational opportunity. There is also the concern for taxpayer equity: that is, that all should share the burden of the cost of education equally and that this sharing be based on the local ability to pay for education. The goal of any state funding scheme is to ensure individual liberty by maximizing educational equity; opportunity, and managerial efficiency. Closely tied to the concept of student equity is the association between educational expenditures and the educational product provided. It has generally been accepted that, up to the point of diminishing returns, expenditures for education are in a positive relationship to the quality of the program provided. That is, those districts spending more per pupil on education are providing a higher quality educational program. The relationship between expenditure and quality in education has been scrutinized more carefully since 1966 as the result of the studies conducted by Coleman and Jencks and others, which seemed to indicate that expenditures for education have only a minor effect upon the achievement of students in various programs. Despite the conflicting evidence concerning the relationship between expenditures and quality, the fact remains that in New York State there is a wide disparity between the lowest spending district in the state and the highest spending district in the state ($1,782 per pupil compared to $13,969 per pupil in the fiscal year 1985). The extreme difference raises many questions concerning the equity of the way that schools are financed in the State.

There are three major revenue sources for supporting public education: Federal aid, State aid, and local support. While all have increased over the years, the individual states have varied in their level of support to public schools. Currently, the National Average state support for expenditures for public education is 50%. However, in New York, the State is contributing about 42% to the overall expenditures for education. The major portion of those local revenues are from the real property tax in spite of the many observations that property tax is the most inequitable tax.

## Historical Perspective

Early finance schemes evolved without clear cut goals and purposes. In the 19th century, they began as incentives for schools already providing a superior education for local children. Provision of flat grants to school districts was also an early form of state aid that remains in many areas. Flat grants provided the same amount of money per pupil or per teacher to all districts. There was no attempt to equalize. While flat grants do relieve some of the tax burden on the taxpayer, they do not address disparities existing throughout the State. Flat grants are still used by many states in combination with other equalizing state aid allocations. In conjunction with the provision of a flat grant in many states is the allocation of funds on a categorical or special purpose basis. While there are often many different types of categorical aids, they generally make up a small percentage of the total money allocated to schools. Most states allocating funds using the flat grant method do so by using non-restricted general purpose grants, leaving use of these grants to the wise discretion of the local school board.

However, in the late 1920's, the principle of equalization received increasing attention as being more vital than just rewarding effort. Early proponents of school finance proposed various funding schemes - some based on equalizing expenditures, some based on equalizing the ability to pay (district wealth), and some advocating full state funding. (One state, Hawaii, currently has a full state funding plan in which the state is the taxing and administrative unit.) One of the first funding schemes to address the principle of equality was the foundation program. This is based on the concept that all districts should be able to maintain the same minimal amount of local effort and support a basically equal "foundation educational program". Wealthy districts could do this easily with their property taxes and could also exceed the foundation program if they chose to tax themselves above the minimum. Poorer districts would tax themselves at a predetermined uniform rate and state aid would supplement their efforts to provide the program. This concept is based on an equitable fiscal partnership between the state and the individual school districts. As the cost of education increased and more and more students were being educated, centralization and reorganization increased, and special student needs were recognized, it became necessary to change the manner in which education had been financed. Where the principle of local support and local control had remained strong, many saw the disparities that existed in school expenditures, school revenues, and tax rates and tax levies. These problems brought school finance from a local issue to a state concern. Several landmark court cases further elevated these concerns to a national level and stimulated a need for reform in school finance. In the 1971 Serrano case, the California Supreme Court issued a landmark decision which struck down California's method of educational finance. The Court ruled that the major reliance on property tax revenues caused unconstitutional inequities in public education. The educational opportunity afforded the students became a function of where they happened to live and thereby violated the equal protection afforded by the 14th Amendment. Because most poorer children lived in property poor districts and rich children lived in property wealthy districts, the rich were afforded premium educational opportunities.

The Serrano case and other similar cases that followed caused renewed interest in the inequities of financing education in most of our states. Proposals for alternatives were initiated, including the concept of full state funding under which the state would levy the taxes and administer total support for public education. Another alternative which was introduced and became widely used was the power equalizing/or percentage equalizing aid ratio program. Under this scheme, state aid is allocated using a measure of wealth per pupil compared to the state average. Under this plan, funds are allocated in inverse proportion to the fiscal capacity of the local school districts. However, in spite of the renewed interest and national attention given to the inequities and disparities within school finance, the process of change has been slow and incremental. While this reform has occurred in many areas of our country, it has not solved all of the problems associated with educational inequity.

## School Finance in New York State

While New Yorkers have prided themselves on the quality of their public educational system and the support they give to education, New York has still experienced difficulties in the area of education finance. The advent of the 1970's brought increased taxpayer opposition to property tax increases, the recognition of special student needs which had to be addressed, and increased competition for tax dollars from other client agencies. In

1969, Governor Rockefeller established the Fleischmann Commission to study the entire system of educational finance and to recommend strategies for coping with problems identified. The Fleischmann report called for a general leveling up and recommended full state funding for education in the effort to close the gap between rich and poor districts. Critics of the Fleischmann Report feared the loss of local control and the deterioration of "lighthouse" districts that full state funding would bring.

In 1976, several school districts in the state initiated a court case against the Commissioner of Education charging that the New York State aid scheme, with its heavy reliance on property wealth, was unconstitutional because it was a violation of the equal protection clauses of the state and federal constitutions. Some districts were required to tax at a higher rate than others and were still unable to provide the program they would prefer. The State's Supreme Court ruled in favor of the districts stating that, in fact, the quality of education a child received in New York was dependent upon the accident of where he or she lives and was therefore in violation of equal protection clauses. The State appealed to the Court of Appeals. In addition, the Legislature took measures to attempt to improve the system of state aid to public schools. Governor Carey established the Task Force on Equity and Excellence (Rubin Commission) to study the problem and make recommendations to further equalize educational opportunities. In 1982, the Court of Appeals concluded that New York State had established a rational basis on which to allocate state aid and that the state's position was legitimate.

State aid is currently allocated to schools in New York State using a modified percentage equalizing formula. The predominant form of state aid, operating aid, is allocated to each school district based on a formula which uses a wealth measure which considers both property wealth and income wealth. Both wealth measures are weighted equally. The recent introduction of the income wealth measure and its increased weighting responded to those who criticized the major reliance on property wealth. Critics of the old approach maintained that property wealth was not a true indicator of a district's "ability to pay" for public education.

New York State has also supported save harmless provisions for school districts. Approximately 260 school districts in New York do not receive operating aid on a formula basis. Their property and/or income wealth are sufficiently above the state average as to yield a very low or zero aid ratio. However, the save harmless provision provides that these districts would not receive any less aid than they did the year before. Save harmless provisions were instituted at a time when property values in certain parts of the state were escalating at a tremendous rate, resulting in school districts experiencing drastic declines in aid. This phenomenon, coupled with decreasing student enrollment, created a situation which could have been very harmful to many districts since expenditures were increasing while their aid was decreasing. While the save harmless provision guarantees that no district will receive less operating aid in the current year than the previous year, it also fails to generate additional operating aid annually. In response to this fixed amount of aid the save harmless districts have been receiving, many categorical aids were established.

There are several categorical aids available to school districts to supplement and complement operating aid. Examples of these categorical aids are Diagnostic Screening Aid, Gifted and Talented Aid, and Computer Software and Hardware Aid. While there are several categorical aids, they represent a small percentage of the total aid to education. Many of these aids were established in response to demands placed upon the Legislature by special interest groups throughout the State. Along with the major operating aid formula and various categorical aids formulas, there are several grant programs that are available to school districts; some are competitive grants and others are not. An example of these are funds available for prekindergarten programs.

The total funding scheme for education in New York State is very complex and often seems fragmented. While the State's support of public schools has grown and its process of allocating funds has become very sophisticated, there are still many controversies associated with the state aid scheme. The next section describes in detail each of the major aids available to school districts in the state and the mechanical aspects of the formula, as well as the procedures used by districts in claiming those aids.

All of the formula aid programs use some combination of three basic elements: numbers of pupils served, a level of expenditures, and an aid ratio. For most State aid formulas aid is received in the current school year based on the pupils served and/or expenditures incurred in the prior year, referred to as the base year. The majority of State aid, including operating aid, is distributed on the basis of pupil average daily attendance (ADA), rather than on the basis of enrollment. Since the 1974-75 school year, the total aidable pupil unit (TAPU) count has been used in allocating operating aid. Aid ratios are a relative index established by comparing a district's wealth per pupil to the state average wealth per pupil. This index is then multiplied by a local share factor and the result is subtracted from 1.00 to determine the rate at which the district will be aided on a particular approved expenditure. Most aid ratios are now based on a relative index which weights income and property wealth equally (combined wealth measure), but certain ratios are still based on property wealth alone (i.e. building aid).

## SUMMARY OF CURRENT DISTRIBUTION OF STATE FINANCIAL AIDS

The current state financial aid structure in New York State is a highly complex one, with over 30 separate formulas and categories of aid used to distribute almost $6 billion dollars among the state's school districts in the 1985-86 school year. The Table below outlines the major aid programs which currently exist, with the 1985-86 appropriation for each.

| | Appropriation for 1985-86 School Year (In Millions) |
|---|---|
| General Support Aids | |
| Operating Aid | $ 3,761.88 |
| Supplemental Support Aid | 102.79 |
| High Tax Aid & Transition Aid | 70.47 |
| Low Income Transition Aid | 5.45 |
| Categorical Program Aids | |
| Diagnostic Screening | 9.35 |
| Limited English Proficiency | 13.71 |
| Gifted and Talented | 9.76 |
| Early Grade Intervention Aid | 12.93 |
| Attendance Improvement/Drop-Out Prevention | 26.83 |
| Employment Preparation Education | 9.32 |
| Instructional Support Aids | |
| Computer Hardware Aid | 11.26 |
| Computer Software Aid | 9.48 |
| Library Materials Aid | 6.32 |
| Textbook Aid | 78.18 |
| Aid for Pupils with Handicapping Conditions | |
| Public & Private School Excess Cost Aid | 527.35 |
| Basic Contribution Deduction | (6.20) |
| Education of OMH/OMR Pupils (Chapter 47,66,721) | 15.00 |
| Special School Districts (Deaf/Blind) | .70 |
| Non-Instructional Support Aids | |
| Transportation Aid | 596.45 |
| Building Aid | 209.65 |
| Building BANS | 40.00 |
| Other Formula Aids | |
| BOCES Aid | 145.36 |
| Special Services Aid | 52.81 |
| Special Aid Programs | |
| Small Cities (Hurd Aid) | 95.60 |
| Reorganization Incentive Aid | 4.46 |
| Special Grant Programs | |
| Magnet Schools | 18.45 |
| Categorical Reading | 23.75 |
| Improving Pupil Performance | 10.00 |
| CIMS | 5.00 |
| Asbestos Projects | 3.75 |
| Special Categorical Projects | 8.00 |
| Bilingual Education | 3.00 |

Source: New York State School Boards Association, Summary of 1985-86 New York State School Aid Program Approved Through State Budget Bill April 1985. (Albany, N.Y.: NYSBA, 1985): 17.

## GENERAL SUPPORT AIDS FOR DISTRICT EDUCATIONAL COSTS

### Operating Aid

Nearly two-thirds of all financial support provided to elementary and secondary education is distributed through the operating aid formula. It is intended to provide generalized support for those district costs which are not aided through other formulas or offset by other revenues, (approved operating expenses, AOE). Operating aid is distributed on the basis of a percentage equalizing formula which aids an expenditure ceiling defined in law each year at a fixed dollar amount. Although it is designed to support a district's approved operating expenses per pupil, the current expenditure ceiling of $3,050 per pupil for 1985-86 aid is still substantially below the state average approved operating expense per pupil (estimated to be $3,500 for the 1984-85 school year). Further, all districts are aided at the expenditure ceiling even if their actual AOE per pupil is below the ceiling. While a self-adjusting aidable expenditure ceiling tied to expenditure percentiles or statewide increases in expenditures have been proposed, it has not received serious consideration due to both political and practical considerations.

The aid ratio which is applied to this expenditure ceiling to determine formula aid per pupil is based on the combined wealth ratio and is .360 for the average wealth district. A minimum aid per pupil guarantee, or flat grant provision, is established at $360. The selected formula aid per pupil is then multiplied by the district's Total Aidable Pupil Units (TAPU) for the base year to arrive at total formula operating aid. This pupil count generates the basic 1.0 aid for all district pupils (except half-day K, weighted at .5) including all public and private handicapped pupils which have been placed by the district's Committee on the Handicapped. Although this is generalized aid, districts must justify expenditures which equal or exceed the portion of the formula operating aid generated by the additional .25 PSEN weighting. Additional aid is also generated, through the use of TAPU, for secondary pupil and "equivalent attendance" pupils (additional .25 weighting) and for summer school pupils (.12 weighting). A temporary provision allows the district to use the average of its TAPU for the base year and the TAPU for the year prior to that in calculating formula operating aid if this average exceeds the base year TAPU.

A total dollar save harmless provision, which must be re-enacted each year for it to remain in effect, guarantees that the district's total operating aid to be received in the current year is at least at the level received in the base year. Growth aid is provided to districts which substantiate anticipated increases in their attendance between the base year and current year and is included in the total formula operating aid amount to which the save harmless minimum is applied.

### Supplemental Support Aid

This new form of aid, initiated for the 1985-86 school year, is essentially another form of operating aid, but it is provided outside of the regular operating aid formula and its save harmless. All districts will receive an amount of supplemental support aid, equal to $22.50 multiplied by their selected TAPU. An additional $50.00 in expense is equalized on the basis of the district's operating aid ratio. This is purely general aid and does not carry with it any specific program requirements. It is being considered as a means of providing additional aid to all districts to address the costs of implementing and expanding programs in response to the Regents Action Plan. Because this is generalized aid, districts are free to address their own local needs with these funds.

### High Tax Aid

This two-tiered aid formula provides aid for districts whose tax rates, considering their relative property wealth per pupil, exceed the state average tax rate of $24.00 per thousand (based on their full value for aid). The district's actual tax rate is adjusted by a proportion determined by dividing the state average property wealth per pupil by the district's property wealth per pupil, thereby making many low wealth districts actually taxing below the state average tax rate eligible for this aid and making certain high wealth districts ineligible for this aid. Many low wealth suburban districts with high tax rates will generate substantial sums under this formula. A second tier of this formula, only available to districts which generate aid on the first tier, requires an unadjusted tax rate in excess of $26.50 per thousand. While there is no specific save harmless on high tax aid alone, high tax transition aid provides that the total operating aid and high tax aid that a district will receive in the current year will be no less than the operating aid and high tax aid received in the base year.

### Low Income Transition Aid

With the incorporation of income wealth on an equal basis with property wealth (through the combined wealth measure) in the operating aid formula and in many of the other aid formulas, the Low Income Supplemental School Aid formula (LISSA) has been phased out effective with the 1985-86 school year. However, low income transition aid has been created to guarantee that save harmless districts will receive in 1985-86 no less than the total operating aid and LISSA aid received during the 1984-85 school year.

## CATEGORICAL PROGRAM AIDS

A number of formula aid programs are currently in place to provide support for specific programs and services within the school district. Aid programs in support of programs and services for handicapped students are discussed in a separate section.

## Diagnostic Screening Aid

This aid program is designed to support the costs of screening new K-12 pupils to determine which may be handicapped, or gifted, or which may need special assistance due to low levels of achievement in reading or mathematics. Services may include physical examinations, language development assessment, reports of potentially handicapped pupils to the Committee on the Handicapped, and reports of potentially gifted pupils to the Superintendent. Aid is computed by multiplying the district's base year adjusted average daily attendance for grades K-6 by $8.00. Since this is an unequalized formula, districts are eligible to receive this form of aid; however, they must justify expenditures equal to the amount of aid received during the current year for diagnostic services for students in grades K-12.

## Limited English Proficiency Aid

This aid is provided to districts which operated a program serving bilingual or limited English proficiency pupils during the base year. The current weighting of .12 is applied to the number of participants in these programs during the base year and is multiplied by the district's selected operating aid per pupil, thus allowing save harmless districts to generate additional aid for these programs outside of the operating aid formula.

## Gifted and Talented Aid

This is an unequalized form of aid which provides $140.00 for 3% of the district's base year adjusted average daily attendance. The district must provide an approved program during the current school year to receive this aid, which is substantiated through a special report form for these programs.

## Early Grade Intervention Aid

This aid program, instituted beginning in 1985-86, is provided to the Big Five city school districts for the purpose of reducing class size and providing greater individualized attention to improve the instructional programming for students in grades 1-3 in the areas of reading, writing, and arithmetic. This is an equalized aid determined by multiplying $30.00 by the selected TAPU for the base year and by the district's aid ratio (based on combined wealth ratio; average wealth district aid ratio is .40; minimum ratio is .360). This aid is deducted from the Supplemental Support Aid determined for the Big Five districts.

### Attendance Improvement/Drop-Out Prevention Aid

This aid program was initiated for the 1984-85 school year to support programs and services designed to improve attendance and retention of students with high rates of truancy and academic failure in districts that had 1982-83 attendance ratios at or below the 10th percentile statewide (.9285). Only those districts that were eligible for aid in 1984-85 are eligible to receive this aid during the 1985-86 school year, because the eligibility criteria have not changed. Districts applying for this aid were required to provide supplemental programs or services during 1984-85 to address these problems beyond those already being provided. Specific plans must be filed for pre-approval of programs and services to be provided. Districts must also show expenditures in the current year equal to or greater than the amount of aid received and may include the cost for necessary screening procedures in this justification. A flat grant of $156.00 is multiplied by the district's base year K-12 public school enrollment and by the proportion determined by subtracting its 1982-83 attendance ratio from 1.00.

### Employment Preparation Education Aid

This aid program, which was initiated during the 1984-85 school year, provides aid in support of approved programs leading to a secondary credential for individuals 21 years or older who have not yet received a high school diploma or equivalency diploma. Districts intending to operate such programs must submit formal applications to the State Education Department for approval. Part 168 of the Commissioner's Regulations provides detailed guidelines for defining eligible programs. Aid is provided on a current year basis and is generated based on the total number of contact hours of instruction provided to eligible pupils. A ceiling level of $3.50 is multiplied by the total hours of instruction and by the district's EPE aid ratio (based on property wealth per pupil; average wealth district aid ratio is .60; minimum ratio is .40). Beginning with the 1985-86 school year, the district must justify expenditures for these programs during the current year equal to or greater than the sum of all revenue from state and federal aid and tuition for these programs, or a deduction will be made during the following year.

## INSTRUCTIONAL SUPPORT AIDS

Several aid programs have been established to provide support for instructional equipment and materials.

### Computer Hardware Aid

This aid program, commencing in the 1984-85 school year, provides funds for the purchase or lease of computer hardware for instructional purposes. Approved equipment, which is defined under Regulations of the Commissioner of Education, may include mini-computers, micro-computers, and other peripheral devices. A district's current year building aid ratio is multiplied by the district base year expenditure for eligible hardware, up to a maximum expense determined by multiplying $8.00 by the Selected TAPU for current year operating aid. Expenses used in this formula cannot be used to generate any other type of aid. An itemized listing of equipment must be provided, together with a certification of a number of assurances regarding the capabilities and use of the equipment.

## Computer Software Aid

This aid program, which was also initiated with the 1984-85 school year, provides up to $3.00 multiplied by the base year enrollment of public and non-public school pupils attending schools within the district (plus resident handicapped pupils) for the purchase of instructional computer software. Aid is paid on the basis of actual expenditures in the current year, up to this maximum level. Districts must establish procedures for the free loan of software purchased with these monies to public and non-public school pupils attending schools within the district (plus resident handicapped pupils) and are also required to maintain separate financial accounts. Aid for these purchases is claimed during the school year, as the expenditures are incurred.

## Library Materials Aid

This new aid program, established beginning with the 1985-86 school year, provides up to $2.00 multiplied by the district's base year enrollment of students attending public and non-public schools within the district (plus resident handicapped pupils) for the purchase of library materials. These materials may include hardcover and paperback books, periodicals, documents, pamphlets, and musical scores. Beginning in 1986-87 and thereafter, districts may also include various audio-visual materials in their approved expenditures. Separate accounting is required for those purchases. Provisions must be made for the loan of such materials to non-public school pupils. Aid for those purchases is also claimed, up to the ceiling, during the school year as expenditures are incurred.

## Textbook Aid

A maximum of $25.00 per pupil is provided for the district's current year enrollment of resident public and non-public school pupils for the purchase of textbooks and other approved instructional materials. Actual aid is based on the actual district expenditures during the current year, up to this maximum. Provisions must be made for the loan of textbooks to non-public school pupils who are residents of the district. (Note that textbook aid is provided for resident pupils of the district, while software and library materials aid is provided for pupils that attend schools within the district. Textbook aid is calculated on the basis of current year enrollment, while software and library materials aid is calculated on base year enrollment.)

## AID FOR PUPILS WITH HANDICAPPING CONDITIONS

During the mid-to-late 1970's, an array of programs and procedural requirements was established in order to assure that appropriate services were being provided for pupils with handicapping conditions (PHC's), largely in response to federal mandates under Public Law 94-142. With these new programmatic requirements, new aid formulas were instituted to help support the increased cost of services provided to this student population.

Chapter 853 of the Laws of 1976 established most of the due process procedures currently defined under Article 89 of Education Law, including the Committee on the Handicapped structure and appeal procedures. It also initiated the current structure for providing aid for handicapped pupils placed in private schools within New York State and various other placements.

Chapter 786 of the Laws of 1978 provided the impetus for the current aid structure of services provided to handicapped pupils in public school programs. The initial goals of these funding schemes was to develop an overall aid structure which would promote the most appropriate placement of children with handicapping conditions. As the aid programs have evolved, however, levels of funding for students placed in private school programs have differed from funding levels for those placed in public school programs. The aid structure is thus best analyzed from these two perspectives.

### Aid for Private School Programs

To support the high cost of programs provided by private schools, the Legislature enacted an excess cost aid formula under Chapter 853 of the Laws of 1976 which applies to all PHC's placed in private schools within New York State on or after July 1, 1976 (Section 4402 Pupils). This formula also applies to PHC's placed by districts in Special Act School Districts within New York State. In addition to the basic 1.0 weighting that such students receive through the operating aid formula, this aid structure provides "additional 4402 aid", which is equal to another 1.0 operating aid weighting, plus private school excess cost aid. Excess cost for these placements is defined as the approved program cost less the district's "Local Share". The approved cost is the approved tuition established by the State Education Department for each private school program within the state. The Local Share is the sum of the district's 2.0 Operating Aid in the base year plus its average tax levy per pupil, or Basic Contribution (base year tax levy divided by base year total wealth pupil units). The excess cost so determined is multiplied by the private excess cost aid ratio (based on combined wealth ratio; average wealth district aid ratio is .85; minimum ratio is .50). This formula, therefore, provides a very high level of equalized aid on the excess cost for these programs.

## Aid for Public School Placements

Under Chapter 786 of the laws of 1978, the Legislature established an interim excess cost aid formula to support placements of children with severe handicapping conditions in public school programs. This temporary formula was made effective during the 1978-79 and 1979-80 school years, with the intent that it would be replaced by an aid program that would recognize the actual cost of providing education and related services to all handicapped children. During the 1979-80 school year, districts were required to implement accounting systems to identify costs of providing these services; special budget forms were developed to segregate district costs for providing these services; and new accounting codes were established to record expenditures.

Based on this study, a new pupil weighting system and an excess cost aid formula were established for handicapped pupils served in public school programs. While it was originally intended that a single funding formula would be adopted for all student placements, various political considerations resulted in retention of the separate private excess cost aid formula. The public school excess cost aid formula was established on the basis of the levels of service provided to pupils served in district-operated and BOCES programs, rather than on the traditional method of labeling according to handicapping condition. This was consistent with changes made in programmatic procedures at that time. Based on the cost data collected by SED, it was established that the cost of educating the most severely handicapped pupils, which are those receiving the highest levels of service, was approximately 3 times that of a non-handicapped child. Therefore, an additional weighting of 1.7 above the 1.0 provided in operating aid is provided to students receiving special services in excess of 60% of the school day. Lesser weightings are provided for students served by special programs for lower proportions of the school day and week.

Rather than utilizing the actual cost of these services, these weightings are applied to the district's average approved operating expense (AOE) per pupil to determine approved costs for excess cost aid. The public school excess cost aid formula is thus based on a derived cost per pupil, rather than on actual cost as for the private school formula. For 1985-86 aid, the expense per pupil that is used in obtaining aidable expenditures is the district's actual AOE per pupil up to a maximum of $3,500 (the state average) and the minimum is $2,000 per pupil. This approved expense per pupil is multiplied by the district's total weighted handicapped pupils to determine total aidable expenses for all public school placements, which is subsequently multiplied by the public excess cost aid ratio (based on combined wealth ratio; average wealth district aid ratio is .49; minimum ratio is .25). The public school formula therefore, provides a much lower level of equalized aid on the excess cost than that provided through the private school excess cost aid formula.

For "high cost" public school placements, additional aid is provided through a high cost aid formula. The total program cost for an individual public school placement must be greater than either $10,000 or 4 times the district's expense per pupil (without limits applied), whichever of these amounts is the lesser, to qualify for high cost aid. For most districts, $10,000 will be the high cost aid eligibility level.

High cost aid is determined by subtracting from the actual program cost an amount equal to 3 times the district's expense per pupil (without limits), and then multiplying this excess amount by the district's public school excess cost aid ratio. Currently, a save harmless provision guarantees that each district will receive at least the total public excess cost and high cost aid in the current year that it did in the base year. Public school excess cost aid and high cost aid are to be claimed by the district of residence of each child. However, the basic 1.0 aid provided through the operating aid formula is claimed by the district actually providing services or contracting with BOCES.

For both public and private school excess cost aid, certain procedures must be followed in order that students may be claimed for aid. First, all handicapped students must be designated as such by the district Committee on the Handicapped. Further, all students must have an individual education program (IEP). Beginning with the 1985-86 school year, districts must also comply with reporting procedures established under the new System to Track and Account for Children (STAC) in order to generate aid in 1986-87 for private school and high cost public school placements. This new reporting system replaces the old PHC reports which were required through the end of the 1984-85 school year. The STAC System requires that districts apply for approval prior to or on the date that each student begins to be served through the particular program, through a STAC-1 form. State aid will not be allowed for the period between the beginning of service and the date that the form is filed if it is filed late.

### Basic Contribution Pupils

For certain handicapped placements, another method is used to address funding. For this group of placements, the district of residence (the public school district in which a child last resided with his/her parent or legal guardian prior to placement) does not pay tuition, but rather the State Education Department or another agency (i.e. DMH, County Social Services, etc.) will pay. However, the district of residence must provide a minimum level of support, or a Basic Contribution, for each of these pupils. The basic contribution is simply the district's average tax levy per pupil, determined by dividing its base year tax revenue by its base year resident TWPU. This Basic Contribution amount is deducted from the operating aid payable to the district in the current year for the number of such pupils served during the base year when the district determines its operating aid.

The district which places and/or serves this group of students (which may be different from the district of residence) will not realize any net cost for services provided. For certain placements, the State Education Department or other agencies will pay the tuition directly. For others, (Chapter 47 and Chapter 66 students) the districts may file for total reimbursement of any cost incurred.

## NON-INSTRUCTIONAL SUPPORT AIDS

### Transportation Aid

State aid is currently provided on an unequalized basis at a level of 90% in support of district approved expenditures for transportation services provided in the base year. While this appears to be a simple formula, the paperwork and detailed accounting required to determine approved expenditures is by far the most complex among the various aid formulas.

Aid is provided for approved expenses for district operated, contract, and public service carrier transportation. Prior to the 1981-82 school year, many transportation costs were excluded from approved expenses for district operated transportation programs, but were aided if the district contracted for its transportation. With the approval of reimbursement at the 90% level for approved retirement expenses for 1985-86 aid, nearly total parity has been achieved between district operated and contract transportation programs. In determining approved expenses, mileage records by purpose are used to prorate expenditures on the basis of allowable pupil miles. Certain expenses also require specific approval from the Bureau of Educational Management Services in order to be eligible for aid. Transportation of pupils in regular (non-handicapped) buses less than 1-1/2 miles from school, field trips, and salaries of assistant drivers are not eligible for transportation aid.

## Building Aid

Building aid is provided for approved capital and reserve fund expenses for the base year, plus approved debt service for building purposes incurred during the current year (as defined on district amortization schedules), for approved building projects. A property wealth based aid ratio, utilizing resident WADA as the pupil base, is applied to these aidable expenses to determine building aid (average wealth district aid ratio is .49, no minimum). However, since the 1981-82 school year, districts have been provided an option to select prior year aid ratios if higher. For 1985-86 Building Aid, the district may select the highest of its aid ratios from 1981-82 through 1985-86.

## OTHER FORMULA AIDS

### BOCES Aid

Aid is provided in the current year for approved BOCES service expenditures in the base year and for approved BOCES rental and debt service costs incurred during the current year. Each BOCES handles all of the calculations for determination of aid and files aid claims on behalf of each of its component districts each year. The aid is paid to the BOCES and then redistributed accordingly to each of its component districts.

For BOCES services aid, salaries of BOCES employees exceeding $25,000 are excluded from the aidable expenditure (fringe benefits on the entire salary are aided). This approved salary ceiling has increased significantly over the last five years to promote greater cooperative efforts in providing educational services through the BOCES structure. All BOCES expenditures for services to handicapped students are excluded from the approved service expense, because these are aided through the district's public excess cost aid formula. Each component district's prorated share of these approved service expenses is aided on the basis of the property wealth based ratio using RWADA (average wealth district aid ratio is .49; minimum ratio is .36). Another aid ratio option has tended to distort this equalized determination of BOCES aid. A millage ratio, based on district tax rate, may be used in determining the aid on a district's share of the approved BOCES service expenses, if it is higher than the property wealth based ratio. A save harmless provision guarantees that a district will receive at least as much BOCES services aid in the current year as it received during the 1967-68 school year. For BOCES facilities expenses, aid is paid only on the basis of the district's actual property wealth based aid ratio with no minimums or millage options.

### Special Services Aid

This aid program is designed to support occupational education and computer services programs provided by the Big Five cities, because these districts are not permitted to join the BOCES and receive BOCES aid. For occupational education programs, aid is based on an expenditure of $2,590 per pupil, multiplied by a combined wealth aid ratio (the average wealth district aid ratio is .41; minimum ratio is .36). Computer services aid is based on actual approved expenses up to a maximum of $30.75, multiplied by district base year enrollment, and is aided at a rate of 49% for the average wealth district (minimum aid ratio is .30).

## SPECIAL AID PROGRAMS

### Small City District Aid (Hurd Aid)

School districts which are located wholly or partially in small cities (populations of less than 125,000) are subject to constitutional tax limits on their real property tax rates. These tax limits range from 1.25% to a maximum of 2.00% of the district's 5 year average full value as established by the Board of Equalization and Assessment. Districts taxing at a rate below the 2% maximum may increase their tax rate in increments of .25% with the approval of 60% of the voters through local referendum. However, all recent referenda to increase tax rates in these cities have been defeated. There are 65 small city school districts which face these limitations.

As a result of these limitations, many of these districts are unable to raise taxes to support or expand their educational programs without special financial assistance from the Legislature. This problem became particularly acute as a result of the 1974 court decision of Hurd vs. City of Buffalo, which established that employee benefits costs could not be excluded from the constitutional tax limitation, as had previously been the practice. Prior to 1979, the Legislature attempted to provide assistance through a loan program. Beginning with the 1979-80 school year, however, the Legislature has appropriated special emergency aid in the form of grants to certain of these small city school districts. There has been no equitable formula or consistent data to determine district need in distributing this aid. Therefore, it has become subject to a great deal of political negotiations and has become associated with "pork barrel" legislation. The size of the aid program has grown from 22 districts receiving $9.8 million in Hurd Aid in 1979-80 to 49 districts receiving $95.6 million in the 1985-86 school year. State Education Department studies indicate that the amount that has been appropriated exceeds the apparent need of many of these districts, particularly in light of the fact that many of these districts are not taxing at their established limit. The aid is also not subject to audit. Many of these districts have become highly dependent on this form of aid, and the overall problem has not been adequately addressed by this method of distribution.

Chapter 815 of the Laws of 1985, signed by the Governor on August 5, begins to address certain of these issues by establishing criteria which districts will have to meet in order to receive aid, a formula for distribution of aid based on need, and a post-audit procedure and subsequent aid adjustment (if necessary). These new provisions will take effect in the 1986-87 school year, with 1985-86 aid still being distributed on a grant basis. This new aid program will be phased in by providing that all Hurd districts will receive a minimum of 85% of the 1985-86 grant amount for 1986-87 and at least 65% of the 1985-86 grant for 1987-88. These new provisions have been written so that they will take effect regardless of the outcome of the upcoming referendum proposal to remove constitutional tax limits for these cities. Both the Governor and the Commissioner of Education support the move to require voter approval of budgets, if districts' tax limits are removed this autumn.

### Reorganization Incentive Aids

Incentive aid is provided through the district operating aid and building aid formulas to promote the reorganization of school districts. Incentive operating aid is available for 14 years, beginning with the first school year of operation as a reorganized district, and is determined by multiplying the district's formula operating aid times the incentive aid percentage. For districts which reorganize after July 1, 1983, the reorganization percentage is 20% for the first five years and is reduced by two percentage points each year for the remaining nine years.

Reorganization incentive building aid is provided for building projects which are directly related to reorganization. Districts which reorganize after July 1, 1983, will receive an additional amount equal to 30% of their approved reorganization building expenses multiplied by their building aid ratio. These districts may utilize the higher of the building aid ratio of the reorganized district or that of any of the individual component districts involved in the reorganization from the 1981-82 school year to the current year aid ratio.

### Lottery Aid

The state lottery fund was established to provide a dedicated revenue source to help support the cost of elementary and secondary education. In essence, lottery aid is not a separate form of aid which is claimed by the district; rather it is a revenue source used by the State to provide the funding support for various aid programs and formulas which have been legislated. Districts however, are asked to account for that part of their overall state aid which is received from the lottery fund. The amount of lottery aid which is apportioned to an individual school district to offset the state's general fund requirements is based on a number of factors including school population, grade levels of pupils, numbers of PSEN students, and district property value. Lottery aid is also specifically allocated to support $5.00 of each district's textbook aid per enrolled resident public and non-public students. During the 1984-85 school year, the lottery generated over 600 million dollars in support of the State's efforts to fund local education.

## THE LEGISLATIVE PROCESS OF DEVELOPING A STATE AID PACKAGE

Each year as part of its agenda, the New York State Legislature takes on the task of determining a state plan for financing education in New York. The process begins with the initiation of certain proposals by major actors in the political arena. The first proposal presented is that of the New York State Board of Regents. The Board of Regents recommends to the Legislature its ideas for changes in the funding formulas, and additional aids, and any recommendations it has for the improvement and enhancement of the state aid funding schemes. The next proposal which appears is that of the Educational Conference Board. The Educational Conference Board is an alliance of seven major educational associations and interest groups. Its proposal also includes an overall amount of money to be allocated for education and recommendations as to how that money should be distributed throughout the State. By January 31 of the year, the Governor proposes his plan for financing public education in the State. While these proposals are being submitted to the Legislature, the Legislative Committees, (Assembly Ways and Means and Education Committees, and the Senate Education and Finance Committees) develop their own state aid plan for the coming year. Their determinations usually take into consideration proposals presented to them. Their decisions are also affected by the political efforts of various interest groups throughout the state, such as the New York State Council of Superintendents, the New York State School Boards Association, teacher unions, PTA, and special student advocacy groups.

As the legislative session progresses, the state aid package for the coming year begins to take form. Circumstances such as the State's economic and fiscal well being and whether or not it is an election year will affect the type of funding scheme that will be established for education, as well as the total amount of the state budget directed to education. When analyzing the various types of aids that are available, the amount of money that is allocated for each aid, and the distribution of these aids, it becomes readily apparent that the lobbying efforts of local school districts can be beneficial and have a definite impact on the outcome of State aid negotiations each year. An example is High Tax aid, which is available to all school districts. In studying the distribution of that aid, however, we find that 60% of all the high tax aid allocated in New York State goes to Suffolk County, 23% goes to Nassau County, and 17% goes to the remainder of the state. It seems that individual districts' relationships with their legislative representatives can affect the outcome of the State aid allocation process in relation to a geographic area and to specific school districts.

## Issues Related to State Aid

While the aids described above seem to address many of our state's special student needs and taxpayer concerns, there are still many controversial issues associated with the funding plan to support education in New York. This State has a richly diverse population and a variety of life styles and communities. However, these conditions create difficulties for financing of public education and for meeting everyone's special needs.

One major concern has been centered on the wealth measures used to determine operating aid. For a long time, many critics felt that property wealth was not an indication of a district's true fiscal capacity. As a result, income wealth was introduced into the wealth measure along with property wealth. However, there are problems with both income wealth and property wealth. Many are concerned that the property assessments used to determine district wealth are outdated and inaccurate, creating an unrealistic picture of a district's wealth. In addition, there have been many problems associated with the verification of income attributed to an individual school district. While measures are being taken to address both problems, some districts feel that in the interim, they are receiving an inequitable amount of aid because of inaccuracies in the determination of their wealth.

There is also the conflict between the use of unequalized categorical aids and wealth based aids to provide equitable distribution of aid. While categorical aids allow all districts to generate additional money on the basis of the number of pupils in special need areas, categorical aids are not available to all districts. For example, a district not having any bilingual students would not generate Limited English Proficiency Aid. Categorical aids may serve as a means for the Legislature to generate small amounts of money to appease interest groups by attempting to address some of their specific concerns.

The number of districts that are on save harmless is also an area of concern. Critics of save harmless maintain that districts are unfairly receiving large sums of money which they do not "deserve" based on their individual property and income wealth. Critics see these as districts that are above the state average in property and income wealth per pupil and thereby have the fiscal capacity to generate revenue to support the type of programs they want, without the need for any aid from the state. Districts who are on save harmless maintain that they are dependent upon the save harmless aid they receive and that the elimination of save harmless would be detrimental to them and to their programs.

The special aid for small city school districts (Hurd Aid) that are at or near their constitutional tax limits is another area of controversy associated with school finance. This aid has traditionally been allocated on the basis of legislative decision; that is, there has been no set formula for determining Hurd aid and no equitable basis upon which the aid has been allocated. This year, legislation has been passed to alter the situation. It will provide criteria that small city school districts must meet in order to be eligible for Hurd aid. It will also provide a formula to be used in determining how much Hurd aid will be received. How that formula works and how long it will remain in existence are questionable. These are some of the major issues that arise when debates over the state aid package occur each year.

## CONCLUSIONS

School finance is an integral part of any attempt to improve educational equity and excellence in New York State. Improving standards, curricula, and programs all require the financial support necessary to sustain them. While a technical knowledge of school finance is not necessary for most educators, an understanding of the concepts behind school finance and a knowledge of the political process related to it is crucial for all educators to interact with their representatives in a proactive, assertive manner in the best interest of our public school children.

# APPENDIX

| Operating Aid | Average Wealth District |
|---|---|
| $1 - \left[.64\ (\text{Combined Wealth Ratio})\right]$ | .36 |

$$\text{Combined Wealth Ratio (CWR)} = .5\left(\frac{\text{Dist. Prop. Wealth/Pupil}}{\$94{,}100}\right) + .5\left(\frac{\text{Dist. Income Wealth/Pupil}}{\$47{,}300}\right)$$

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Growth Aid

Operating Aid X Growth Percent (Calculation SA-151)

Claimed on SA-124 Filed August 1

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Tier I High Tax Aid

$200 X Tier I High Tax Factor X Selected TAPU

Tier I High Tax Factor

$$\frac{\text{Wealth Adjusted Tax Rate} - 24 \text{ mills}}{70 \text{ mills}}$$

Wealth Adjusted Tax Rate

$$\text{Tax Rate X} \quad \frac{\$94{,}100}{\text{District Full Value/TWPU}}$$

Tier II High Tax Aid

$200 X Tier II High Tax Factor X Selected TAPU

Tier II High Tax Factor

$$\frac{\text{Tax Rate} - 26.5 \text{ mills}}{18 \text{ mills}}$$

Claimed on SA-118 Filed August 1

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High Tax Transition Aid

(Base year Operating Aid + Base Year High Tax Aid) - (Current Year Operating Aid - Current Year High Tax Aid)

Claimed on SA-124 Filed August 1

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### Low Income Transition Aid

$$(\text{Base Year Operating Aid} + \text{Base Year Low Income Supplement School Aid}) - (\text{Current Year Operating Aid} + \text{Current Year Low Income Supplement School Aid})$$

Claimed on SA-124 Filed August 1

### Diagnostic Screening Aid

K-6 Attendance (ADA) X $8.00

Claimed on SA-124 Filed August 1

### Supplemental Support Aid

$$\left[\left(\text{Operating Aid Ratio} \times \$50\right) + \$22.50\right] \times \text{TAPU} \left(\text{Total Aidable Pupil Units}\right)$$

Minimum: $22.50 X TAPU

Claimed on SA-124 Filed August 1

### Gifted & Talented

Total Attendance (ADA) X .03 X $140

Claimed on SA-124 Filed August 1

### Limited English Proficiency

Operating Aid Per Pupil X .12 X Bilingual Students

Claimed on SA-124 Filed August 1

### Attendance Improvement/Dropout Prevention

(1 - 1982-83 Attendance Ratio) X K-12 Enrollment X $156

Claimed on SA-124 Filed August 1

### Immunization Aid

Non-Public Enrollment X $.60 (Aid must exceed expenditures)

Claimed on SA-124 Filed August 1

## Employment Preparation Education Aid

$$\text{Total Hours of Instruction} \times .40 \left(\frac{\text{District Full Value}}{\$94{,}100}\right) \times \$3.50$$

Minimum Ratio of .40

Claimed on SA-160 Filed at End of Each Reporting Period - November, March, June

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## Computer Hardware Aid

TAPU (Total Aidable Pupil Units) X $8.00 X Building Aid Ratio

Expenditures Must Exceed Aid

Claimed on SA-161 Filed August 1

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## Computer Software

$3.00 X Public and Non-Public Students Enrolled in District

Expenditures Must Match Aid

Claimed on SA-102 Filed February 1

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## Library Materials Aid

$2.00 X Public and Non-Public Students Enrolled in District

Expenditures Must Match Aid

Claimed on SA-102 Filed February 1

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## Textbook Aid

$25.00 X Public and Non-Public Students Residing in District

Expenditures Must Match Aid

Claimed on SA-103 Filed February 1

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**Building Aid** | **Average Wealth District**

$$1 - \left[\left(\frac{\text{District Wealth}}{\$106{,}300}\right)\right] \times .510$$

.49

$$\text{District Wealth} = \frac{\text{Property Value}}{\text{RWADA}}$$

Claimed on SA-121 Filed August 1

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**BOCES AID**

Option A: Building Aid Ratio: Facilities or Service
Aid: Minimum .36 on Service

.49

Option B: Millage Ratio: Service Aid Only

$$1 - \frac{.088}{\text{District Tax Rate}}$$

Approximately
.55
Average Tax
District

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**Excess Cost Ratio for Handicapped Pupils in Private Schools**

1 - (.15 X CWR)

.85

Minimum .500

Claimed on SA-124EC Filed August 1

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**Handicapped Pupils Public**

A. Excess Cost Ratio:
1 - (.64 X CWR)

.49

Minimum .250

B. High Cost Ratio:
Excess Cost Ratio (Same as above)

.49

Claimed on SA-786 and SA-786-1 Filed August 1

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**Transportation Aid**

.90 X Approved Transportation Expenses

Claimed on SA-120 Filed August 1

# References

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Strayer, G. and Haig, R. Educational Finance Inquiry Commission: The Financing of Education in the State of New York. Washington: Macmillan, 1923.

# INVESTMENT OF DISTRICT FUNDS

**James Barnes**
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**East Syracuse-Minoa Central School District**
**East Syracuse, New York**

## Introduction

Short-term investing has become a concern for school districts. Investment of public funds made by school districts and boards of cooperative educational services must be duly authorized, properly managed, adequately protected and fully collateralized. These guidelines, therefore, contain fundamental principles that are generally recognized and accepted as essential to the effective management and control of investments.

The guidelines are not intended to limit investment opportunities, but rather to:

- Establish a prudent set of basic procedures custom-made to the individual investment of each school district and board of cooperative educational services.
- Assure that investment assets are adequately safeguarded.
- Assure that a system of sufficient internal controls is maintained.
- Assure that adequate accounts and records are maintained which accurately reflect, in reasonable detail, all transactions and reporting on the disposition of assets.

Because of the vast differences in the size and operation of school districts and boards of cooperative educational services, and in the size of their investment portfolios, these guidelines are intended to represent the basic standards and be sufficiently broad to apply in most investment situations. The intent is to provide guidance after due consideration of the size and operating objectives of a given school board or BOCES. The need for professional judgment in determining how best to apply the guidelines is recognized and understood. It is the responsibility of each school district and BOCES to make such decisions and to determine and evaluate its own risks in all its investment transactions with regard to prudent business principles and practices.

## Authorization and Management

- Each school district and BOCES should have a written investment policy approved by its board of education.
- All investments shall be made in conformance with statutory provisions, or provisions of applicable note and bond resolutions and policy directives of the board of education.
- Members of the board of education should take an active role in the formulation of investment policy. Each board should consider the establishment of an investment committee to perform this and related functions.
- Specific guidelines should be prepared for each type of investment and approved by the members of the board of education.

- The board of education should periodically review investment transactions for compliance with board policy.
- For each type of investment there should be an approved list of banks and dealers (e.g. bank, broker, government security) with limits set for each bank and dealer.
- All investment transactions should be reviewed and approved by the chief financial officer or other official designated by the board of education.
- The selection process should be conducted in accordance with the investment policy adopted by the board of education and all parties, e.g. custodians, trustees and other financial institutions doing business with the board of education should periodically be disclosed to the board of education.
- When considering an investment transaction, the following should be considered as appropriate:
  a) The right and ability of the purchaser of the securities to substitute like securities for repurchase on the repurchase date.
  b) Timely correction of margin deficiencies or excesses. Description of method of computing margin maintenance requirements.
  c) Description of events of default which would permit the purchaser and/or seller to liquidate or purchase the underlying securities.
  d) Description of the relationship between parties to the agreement. It is also suggested that there be a disclosure of whether a transaction is being effected as a principal or as an agent for a customer.
  e) Description of the rights of any trustee or custodian who may hold the underlying securities during the term of the agreement.
  f) Description of the party who is to have title to the underlying securities during the term of the agreement.

## Operating Procedures

- A policy and procedures manual should be developed and made available to the board and staff outlining required procedures including:
  a) The establishment and maintenance of a system of processing controls.
  b) Methods for adding, changing or deleting information including a description of the documents to be created and verification tests to be conducted.
  c) A data base incorporating descriptions and amounts of investments, transaction dates, interest rates, market prices, bond ratings and related information necessary to manage the portfolio.

    d) Operational controls which provide for periodic reporting and a satisfactory level of accountability.

- The selection process should require competitive bidding, except in the purchase of government securities at their initial auction or under extraordinary circumstances.
- Each disbursement of funds, and corresponding receipt of securities, or delivery of securities, and corresponding receipt of funds should be based upon proper authorization. If the authorization is verbal, there should be written or telegraphic confirmation from the investment manager to the custodian of the funds.
- Payment of funds should only be made against the delivery of collateral or other acceptable form of security, the delivery of government obligations when such obligations are purchased outright, or the delivery of the underlying securities when a repurchase agreement is involved.
- The process of initiating, reviewing and approving requests to buy and sell investments should be documented. Dollar limits per board official or designee thereof should be established and reviewed regularly by the board of education.
- Custodians should be required to report on all transactions.
- Custodians must have the written consent of the board of education to transfer collateral. Telephonic communications must be confirmed in writing.

## Collateralization

- REPOs should only be purchased from banks or trust companies (dealers) authorized to do business in the State of New York or from broker dealers on the Federal Reserve Bank of New York's list of primary government security dealers.
- The school district should enter into a written contract with each broker dealer which outlines the basic rights of both buyer and seller.
- Agreements which are continuing in nature should not be made.
- Specific guidelines regarding margin maintenance should be established taking into consideration:
    - a) The size and terms of the transaction.
    - b) The type of underlying security.
    - c) The maturity of the underlying collateral.
    - d) The capitalization, financial status and type of purchaser and/or seller.
    - e) The method by which additional margin will be maintained.

## Audit Procedures

- The investment policy should be subject to continual review and revised as necessary to reflect changes in market conditions.
- Review of compliance with investment policy and related procedures should be part of the annual certification by independent auditors.

  This should include confirmation letters from each bank verifying the obligations securing the board's deposits.
- Testing of the investment practices and controls including proper execution and completion of such documentation should be periodically done by both internal and outside independent auditors.
- Collateral should be verified semi-annually by internal auditors and on a surprise basis during the year.

# PURCHASING IN THE SCHOOL DISTRICT

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## Introduction

Purchasing is one of the most highly specialized activities of the school district central administration. Simply stated, it is the process of having the right material or service, from the right source, in the right quantity, at the right place, at the right time, and at the right price. In seeking to satisfy these criteria, particularly, (1) providing the right quality and quantity and (2) making the purchase at the lowest possible cost, the purchasing agent is faced with a difficult task.

Purchasing has been referred to as a "process", and it is truly that, for it is considerably more than merely buying something. In addition to the discrete act of purchasing, this process embraces the many responsibilities involved in providing for the material needs and services of the district: receiving, storing and distributing. It seeks to obtain maximum value of each dollar spent for equipment, supplies, and contracted services.

Ethical conduct in managing the district's purchasing is essential. Each school district should adopt and strictly enforce a code of ethics to govern the practices which comprise this process.

The school purchasing process is regulated by state law, court decisions, and local board policy. Competitive bidding legislation, while it adds to the purchasing agent's routine responsibilities, is a judicious protective safeguard. These restrictions need not limit the purchasing official; rather, local policies and routine can be structured to allow flexibility and the exercise of professional judgement, while providing for conformance with both the letter and the spirit of applicable statutes and the protection of the public interests. It cannot be too strongly stated that the board must assure all concerned that this process is implemented as prescribed by law.

As in other areas of school district operation, carefully formulated and clearly stated policies and regulations for the conduct of purchasing must be developed and adopted by the board. Such guidelines provide for the translation of laws into action and establish the purchasing posture of the district. In addition, they should clarify ambiguities and points of issue, as well as reveal discrepancies and shortcomings in current practice.

Professional personnel are commended for wishing to keep abreast of advances in teaching techniques and for seeking access to a wide range of equipment and supplies. However, their zeal should not be diverted into the area of procurement from the primary purpose for which they were prepared and hired. There are advantages to decentralized purchasing. However, they do not justify the assignment of responsibility to anyone other than an individual who will devote the necessary time to discharge the function properly.

A general discussion of purchasing would be incomplete without comments on the public relations aspect of the process. With the exception of the chief school officer, the purchasing agent probably has a wider and more varied degree of personal contact with others than does any other school person. This official projects an image of the district. He/she is a voice of the organization. The attitudes of outsiders toward the district are influenced by contacts with him/her.

## Steps in the Procurement Process

The purchasing, procuring, receiving, storing, and distribution by a school district of necessary items of supplies and equipment for use in the educational program and for the maintenance and operation of school buildings represent a sizable expenditure of money and involve a substantial percentage of the school budget. While methods and procedures may vary, the underlying principles are much the same, whether the procurement represents an expenditure of $10 or $10,000, the acquisition of ten reams of paper, or the purchase of ten buses.

The procurement function is generally considered to cover the complete supply transaction; beginning with the initiation of a request to supply a certain need, and ending with the approval of a claim voucher for payment.

The steps involved in the procurement of supplies and equipment for school districts are described below. They are applicable to the smallest unit as well as to the largest school system.

### Step 1 Processing the Requisitions

A requisition provides an adequate means by which each user can make his need known. The number of requisitions should be kept at a minimum through the proper timing and grouping of requests, then forwarded to the business office.

### Step 2 Preparing Descriptions and Specifications

Before an order is placed or a quotation is requested, the purchasing official must describe what is desired in order that prospective vendors may intelligently quote prices and fill orders.

### Step 3 Requesting Quotations or Bids

The purpose of obtaining quotations or bids is to determine what a given item will cost, where it can be obtained most economically, and when delivery will be made.

### Step 4 Issue of Purchase Order or Award of Contract

Purchase orders are signed by the purchasing official and issued from the business office, subject to the purchasing policies of the district.

All contracts which require public advertising and competitive bidding should be awarded by resolution from the board of education.

Step 5 Receipt of Goods

Upon receipt, goods should be checked for condition and for quantity and quality as stated in the purchase order or contract.

Step 6 Quality Control

The testing of items received for conformity with specifications and for identification of means to improve specifications is an important part of purchasing.

Step 7 Approval for Payment of Claim

The final step in the purchasing procedure is approval of the claim voucher for payment. This should follow notification to the accounting office that the materials covered by the claim voucher have been received in good condition.

## Purchasing Policy

A review of the board policy manuals of most school districts will reveal little written regulations in purchasing. As in other areas of district operation, carefully formulated and clearly stated policies and regulations for the purchasing function must be developed and adopted by the board. These policies and regulations set the pattern for and determine the purchasing practices of all persons involved.

In an effort to assist school districts to develop a comprehensive purchasing policy, the following tasks should be integrated with existing policy statements.

a. Define central purchasing authorities and responsibilities and provide for and designate the scope of its delegated authority.

b. Require that all departments adhere to pertinent statutory, regulatory, and central operational purchasing requirements.

c. Charge the central purchasing authority with responsibility for developing and managing a procurement, planning, and scheduling program.

d. Provide that competitive procedures be used for purchase of all commodities and services.

e. Designate the basic criteria for evaluating bids and proposals, and for the awarding of contracts.

f. Charge central purchasing with the responsibility for establishing a specification and standardization program, with written procedures.

g. Authorize and encourage intergovernmental cooperative purchasing in concert with regulatory rules and procedures.

h. Require that the purchasing agent review and approve all claims for payment as the officer giving rise to the claim.

i. Require that procedures be established which provide assurance that unobligated appropriations in the account affected by the issuance of a purchase order are available.

j. Provide for use of open orders to meet the needs of day-to-day routine purchases of small dollar amounts with local vendors.

k. Prohibit the issuance of confirming orders except for emergencies.

l. Lastly, charge central purchasing for overall supervision and control for receipt, storage, inventory, and distribution of supplies and materials.

## Purchasing Agent

As required by Section 170.2(b) of the Commissioner's Regulations, the board should appoint a purchasing agent each year. This action is usually taken at the annual reorganizational meeting and the appointment is effective for that fiscal year.

Thereafter all purchase orders should be carefully reviewed and then signed by him/her prior to release. In addition, the purchasing agent should be in complete control of the purchasing function. He/she should design the procedures, evaluate its effectiveness, train school staff in its implementation, and make certain that staff members are obtaining supplies and materials in a timely fashion and according to specifications.

The logical person to serve as purchasing agent is the business officer.

While the staff may provide suggested input, it is the purchasing agent's responsibility to exercise full authority as to how, when, and where to purchase. Some functions of a purchasing agent are to:

a. Check every purchase request to determine that it meets an educational need as planned, (indicated by the initial or signature of the principal), and that if purchased, it will not overencumber the account code. (Usually a check and initialing by the account clerk of accounting records will provide this information.)

b. Determine whether to combine purchase requests and decide whether to purchase by bid, State Contract, Correction Industries, Industries for the Blind, quotes, open purchase order, or other method.

c. Determine that prices listed on the purchase order are correct and that it is encumbered prior to release.

d. Ascertain that the shipment received is correct in quantity and quality (indicated by signature of the receiver and the person who placed the purchase request).

e. Approve the invoice for processing after all previous steps are completed. If the amount billed agrees with the original price, the signature of the officer giving rise to the claim is affixed.

f. Follow up on all partial deliveries, damaged goods, and late orders.

g. Maintain and expand vendor relationships in the district's best interests.

h. Approve all claims as "officer giving rise to claim".

i. Establish "open orders" with local vendors for items of immediate need.

j. Develop and maintain an inventory of equipment and supplies.

k. Develop and initiate a procedure for receipt, storage, inventory, and distribution of supplies and materials.

## Purchasing Calendar

The peak of purchasing activity for vendors of school supplies and equipment is usually June through September. The bulk of purchase orders issued by schools is the result of the budgeting process and the approval of the budget by the board. This presents a "worst-case" situation, where vendors are swamped with orders and when prices tend to be higher. Such activity results in back orders, partial deliveries, substitutions, and cancellations which delay the availability of school supplies and instructional materials.

Good business practice requires that total purchases of particular types of items be planned at times when the best prices can be obtained and prompt deliveries can be made, so that the requisitioner will have these items available when they are needed.

Therefore, purchasing agents should initiate a purchasing schedule and develop a purchasing calendar to facilitate their function. This will help coordinate the purchasing cycle on a weekly, monthly, and yearly basis.

The cyclical calendar will establish dates on which certain classes of items will be purchased. Most of these items will be taken from the requisitions used in budget development. Where necessary, bids will be secured. Items which are used year after year can be stored in the warehouse and ordered as the need arises.

Many school districts should make an effort to expand their purchasing calendar so that items will be bid throughout the year. Scheduling should take into consideration the time that items will be needed by the requisitioner, the time when the best price can be obtained from the vendor, and the time when the vendor will not be overloaded and can give best attention to filling the order.

A weekly purchasing schedule, in conjunction with a centralized purchasing procedure, would allow for the receipt of requisitions, encumbering, and the issuance of orders on specific days. This procedure more evenly distributes the office workload and encourages the combining of small orders. Thus, fewer purchase orders will be required.

## Purchasing Files

Certain types of information are used over and over in the purchasing process and should be readily available to the purchasing agent as the need arises. This information should be kept in files for easy access. A brief description of some of the more useful files is outlined below:

a. Vendors File is an alphabetical list of vendors used by the district when purchasing. A listing of the kinds and types of goods and services supplied should be a part of this file, together with current addresses and telephone numbers.

b. Catalog File is a file of current vendor catalogs organized by general item area to enable the purchasing agent and staff to quickly locate items for purchase. The purchasing agent should organize this file alphabetically by company.

c. Specifications File is a collection of previously-constructed specifications developed by the purchasing agent which are organized by bid item or groups of items. These serve as the basis for developing new specifications for bid.

d. State Purchase Contract File is a file of the latest State purchase contracts developed by the Division of Standards and Purchase. These should be organized by State contract order number. An index of State purchase contracts should be located in front of the file. The purchasing agent should file State contracts by subject matter.

e. Correction Industries File is a file of supplies and equipment produced by Correction Industries from which school districts may purchase without bid.

f. Industries for the Blind File is a file of supplies and equipment from Industries for the Blind which can be purchased without bid.

g. Industries for the Handicapped File is a file of supplies and equipment made by persons who are severely handicapped and can be purchased without bid.

h. Alphabetical File of Purchase Orders is a file containing one copy of each purchase order organized alphabetically by vendor. Such a file will provide a cross-reference to determine the purchase order number and the requestor when invoices are received. This file can be stored on a computer if one is available.

i. Numerical File of Purchase Orders is a file containing one copy of each purchase order filed by number. The copies are usually separated by month and are used in follow-up procedures. As invoices are processed, corresponding copies of the purchase order are removed from the numerical file, the actual amount paid is entered and is sent to the building principal and coordinator to be used to update their records.

j. Alphabetical File of Paid Claims is a file containing all paid claims organized alphabetically by vendor. This file enables the purchasing agent to quickly locate all claims paid a particular vendor during the fiscal year. Each claim packet should consist of a vendor invoice, the receiving copy of the purchase order, and the duplicate copy of the check.

## Purchasing Practices

There is a recognized basic premise that the purchasing authority should be centralized; the authority and responsibility for committing purchase orders should rest with the designated purchasing agent. However, in some school districts, the purchasing department has parcelled out purchase orders to school buildings and to various departments within the school district. Purchase orders are prepared in each location and returned to the business office for processing.

A purchase order is literally a blank contract document awaiting only the specifications of what is wanted, the delivery location, and an approving signature. A supplier receiving an order has no way of knowing if the approving signature is properly authorized or not.

It is obvious that unauthorized use is a possibility when purchase orders are in the possession of many persons throughout the school district. Strict control of purchase orders, with every one accounted for, is necessary. This is best accomplished when the purchase order forms are retained in the purchasing department and are dispatched to vendors based upon approved requisitions.

What is meant by the term "centralized purchasing"? Much more is implied in the term centralized purchasing than merely having all purchase orders processed and dispatched from that department. While administrators, department heads, and others authorized by policy to file requisitions may suggest vendors, it is the purchasing agent's responsibility to make final determinations concerning purchase requests. In him/her resides broader knowledge of the various sources of supply, market conditions, economical quantities, the most advantageous times to buy, and the overall needs of the district. The practice of originating purchase orders in many locations and transmitting them to the central office for processing, in effect, transforms each of these originators into a purchasing agent. Such a procedure detracts from the benefits of a central purchasing agent, because it is not this designated person who determines the most economical supplier, when batching of requests should be accomplished to take advantage of volume purchasing, when formal bidding procedures are required, or when quotations should be solicited.

## Purchasing From State Agencies

Many of a school district's requirements for supplies and equipment can be met by purchasing through State contracts awarded by the Office of General Services.

The use of state purchase contracts is considered good business practice in view of the generally lower prices available by this method of purchasing. The costs of advertising and developing bid specifications are not borne by the local district, and quality control of the items has been made by the Division of Standards and Purchase.

In addition to the State contracts, there are three other sources which should be considered when making purchases. Some of these are listed below.

a. The Industries for the Blind of New York State, Inc., 1522-24 Central Avenue, Albany, New 12205, manufactures wet mops, industrial sponge mops, dust mops, and other items school districts normally require during the year. Such purchases may be made without competitive bidding by school districts as provided in Sections 175A and 157B of the New York State Finance Law.

b. This same law applies to purchases made from the New York State Industries for the Handicapped. Items that are available from the New York State Industries for the Handicapped are listed in their catalog which is available upon request by writing to: New York State Industries for the Handicapped, 60 Madison Avenue, New York, New York 10010-1557.

c. Section 184 of the State Correction Law, as well as an interim opinion by the Attorney General, mandates that all subdivisions of the state, including school districts, secure their requirements from the Department of Correctional Services to the extent such requirements can be supplied. If the desired goods are not readily available, a "Certificate of Release" should be obtained from the Department of Correctional Services prior to open market purchases. The catalog which describes the products available may be obtained by writing to: Department of Correctional Services, Division of Industries, Building #2, State Campus, Albany, New York 12226.

## Competitive Bidding

### 1. Philosophy of competitive bidding

The law on competitive bidding is designed to produce the maximum in quality in public purchases and public works at a minimum price. It also aims to encourage competition and eliminate favoritism, corruption, and extravagance.

2. Purchases of over $5,000 or public works projects over $7,000 require competitive bidding and include:

   a. A single purchase order in excess of $5,000; or

   b. The total annual purchases of a reasonable commodity grouping (Opinion of the State Comptroller 59-647.) exceeding $5,000. In grouping, the problem is one of judgement. Grouped under one set of specifications should be those items which are normally handled by one manufacturer or distributor. Items of supply of the same or similar nature should be included in one set of specifications. The rule of reason must prevail, with the school district pursuing the path which furthers and stimulates competition.

      The board of education has considerable discretion establishing "reasonable commodity grouping". As an example, office supplies would constitute a reasonable grouping for bidding purposes, as would canned goods, or physical education supplies. Thus, if more than $5,000 in office supplies, or canned goods, or physical education supplies were purchased during a fiscal year, the intent of the law would require that formal bids be secured.

   c. Public works projects (those involving both materials and labor) must be bid if the total cost exceeds $7,000.

3. Rejecting the low bidder

   Generally, there are two grounds for not awarding a contract to an apparent low bidder.

   a. The bid does not meet or comply with the specifications.

      Whether a bid submitted complies with specifications involves a determination on the part of the awarding board. The courts in this state have held that the administrative action of awarding public contracts will not be upset in the absence of fraud, bad faith, arbitrary, or other illegal conduct.

   b. The bidder is found not to be a responsible bidder.

      The courts, in interpreting the phrase "lowest responsible bidder", have held that such bidder must not necessarily be limited to the lowest dollar bidder. The board has the duty and discretion to investigate the integrity and moral worth of the various bidders and to examine their backgrounds. In the absence of any factual showing of dishonesty, fraud, collusion, corruption or bad faith, the determination of the appropriate awarding authority should not be overturned by the courts. The court has stated in regard to the term "lowest responsible bidder" that the key word in Section 103 of the General Municipal Law is "responsible" and that this term means "accountable" or "reliable".

4. Trade-in allowance

Courts have held that trade-in allowances must be treated as expenditures. For example, a district planning to purchase a new piece of equipment at a gross cost of $5,800 and anticipating a trade-in allowance on old equipment of $900 would have to advertise for bids, notwithstanding that the net price was less than $5,000. The net price is considered only when determining the low bid.

5. Standardization

Section 103(5) of the General Municipal Law, permits advertising for bids for a particular type or kind of equipment, materials, or supplies. Under this provision, the district may adopt a resolution by a two-thirds vote of all members stating that, for reasons of efficiency or economy, there is need for standardization. The resolution must contain a full explanation of the reasons for its adoption. The board may then advertise for bids specifying the particular type or kind of equipment, materials, or supplies needed.

The following are some examples of the proper circumstances under which standardization provisions may be authorized. It should suffice that the resolution include facts supporting one or more of the following conditions:

a. That a substantial amount of equipment of the same make is presently being used by the district and that uniformity of the make is essential to economy or efficiency; or,

b. That service facilities are peculiarly adapted to the handling of a particular make of equipment and cannot be converted economically; or,

c. That the district has on hand a substantial supply of spare parts for a particular make of equipment and that they cannot be disposed of except at a substantial loss; or,

d. That the design, plan or method of construction of an installation is peculiarly suited to a particular make of equipment and cannot be altered economically; or,

e. That local geographic or atmospheric conditions require the use of a particular make of equipment to the exclusion of all others; or,

f. That the employees are trained to use certain equipment, and retraining would be expensive and time consuming.

6. Emergencies

Section 103, subdivision 4 of the General Municipal Law, provides an exception to the bidding requirements in the case of a public emergency arising only out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health or safety of the inhabitants of a district require immediate action. However, situations of this type must be such as cannot reasonably be foreseen in time to advertise for bids.

### 7. Leasing of personal property

In 1971, the State Legislature amended Education Law by adding a new section (1725) to authorize boards of education to enter into agreements for the lease of personal property. Before entering into such an agreement, the board must adopt a resolution determining that such agreement is in the best financial interest of the school district and stating the basis for that determination. The lease for personal property cannot be for a period greater than the current school year unless the agreement is approved by the voters of the district. This approval may be obtained by a favorable vote on a separate proposition, or as an appropriation with indication that a lease is intended, or if the board has determined that the lease of property is an ordinary contingent expense.

If the lease is for items having a value greater than $5,000, it is subject to the bidding requirements of Section 103 of the General Municipal Law. However, a warning is necessary. A district may not use the device of a lease to accomplish a purchase circumventing the competitive bidding statute.

A district has no authority to rent equipment when the rental is applied to the purchase price. Such agreements not only contravene the purpose of the laws of competitive bidding, but are unauthorized as installment purchases.

It should be noted that Section 1725 applies only to leases and does not authorize lease-purchase agreements. This would be true even if the purchase price in such an agreement were a nominal sum such as $1. For example, a board of education could lease a descriptive accounting machine for four years at a stated rental. But if, at the end of the four years, it wished to retain the machine, it would have to solicit bids for a used machine. The original lease agreement at its termination could not validly bind the school district to solicit bids on the leased equipment.

### 8. Installment purchase contract

Installment purchase contracts for school districts were first authorized by the Legislature during 1979. The subject matter for such contracts was limited to data processing and office copying equipment. In the 1981 legislative session, the subject commodities were expanded to include word processing equipment. The most recent change (1983) deleted the specific types of equipment. The law now encompasses all types of equipment, machinery and apparatus. In 1981, boards of cooperative educational services were authorized to enter into such contracts. Section 109-b of General Municipal Law is the statutory reference which authorizes these installment purchase contracts.

What is an installment purchase contract? Agreements constitute installment purchase contracts when a component of the periodic rental payment is in reality an installment payment applied toward the purchase of the equipment, machinery, or apparatus. The school district or BOCES is building equity in the equipment over the course of the agreement. This results in title passing to the school district/BOCES automatically at the end of the term of the agreement.

Installment purchase contracts are restricted by the following: a) they must be approved by the board of education (or BOCES); b) the down payment shall not exceed 10 percent of the full contract price; c) installment payments shall be substantially equal in amount; d) no payment may be financed by the proceeds of municipal bonds or notes and no such payment shall be deemed a payment of all or part of the cost of an object or purpose for which bonds may be issued; and, e) the contract shall contain an "executory" clause which would limit the liability of the contract to appropriated and available monies. The purpose of the latter clause is to avoid categorization of installment purchase contracts as unauthorized debt of the political subdivision (school district/BOCES). Should a school district experience a budget defeat, the equipment costs would, therefore, not be considered an ordinary contingent expense. The school district could exercise the "executory" clause and terminate the installment purchase contract due to lack of an authorized appropriation. Unless the agreement provided otherwise, the item purchased would then be returned to the vendor.

Subdivision four of the law provides that an installment purchase contract is not deemed indebtedness for debt statement purposes nor as evidence of indebtedness under Local Finance Law.

Installment purchase contracts may be subject to referendum requirements in certain circumstances. If the purchase were financed by the issuance of obligations, rather than by an installment purchase, and if the authorization for the issuance of obligations would have required voter approval, then the installment purchase contract will be subject to voter approval. If the authorization for the issuance of obligations had a maturity of more than five years or not less than some other minimum period, then the installment purchase contract will be subject to voter approval, but only if the term of the contract is equal to or more than such minimum period of maturity.

Installment purchase contracts are subject to competitive bidding procedures as required by Section 103 of the General Municipal Law. Purchase contracts which exceed $5,000 over the term of the agreement must be bid. The contract would be awarded to the lowest responsible bidder whose overall price, including any finance charge, is the lowest.

School districts should utilize installment purchasing prudently. The fiscal ramifications of imprudent use could be severe. The motivating factor behind the use of installment purchasing is to save taxpayers money. This method of purchasing should be used if, after careful market analysis, it is determined to be economically advantageous over traditional methods of acquiring equipment, machinery and apparatus.

## Bid and Performance Bonds

Two important types of contract bonds of interest to school districts are bid and performance bonds. Superintendents should understand the purposes and limitations of these two types. The bid bond in particular is often misused.

A bid bond guarantees the school district that a party bidding for a contract will, if his/her bid is accepted, enter into a contract and will, if required, furnish a performance bond for the carrying out of the work, or pay the owner the difference between the amount of his/her bid and that of the bid finally accepted. In lieu of a bid bond, districts frequently require a certified check in an amount which is a specified percentage of the bid offer.

Note that the purpose of either bonds or the certified checks is to guarantee only that the bidder will enter into a contract if it is offered. Since they do not guarantee performance of the contract, their purpose has been fulfilled when a contract is signed. Therefore, bid securities, either bid bonds or certified checks, should be returned to the bidders when the contract is signed. They should not be held to enforce performance since this was not their purpose.

Additionally, it should be noted that Section 105 of the General Municipal Law states that if, as a condition precedent to the reception or consideration of a bid,

> "...a deposit of a certified check, money, bonds or other obligations is required, a person or corporation submitting a bid may withdraw the same if no award of the contract be made within forty-five days after the receipt thereof, and upon such withdrawal such deposit shall be forthwith returned".

A performance bond guarantees the district that work will be completed according to the contract specifications. This is considered the key bond in a work project or a long term contract (such as refuse removal for the school year) because the owner not only wants the work completed - usually within a specified time - but also completed according to the specifications. If either or both of these promises are not fulfilled by the contractor, the surety is obligated to satisfy the owner if the contractor is unable for some reason.

School districts frequently raise the question, "What do we do with the bid security while we have it?". Answers lie in Section 105 of the General Municipal Law and in opinions of the Comptroller. There we find the following:

> "A certified check, money, bonds or other obligations or security deposited to secure a bid shall be retained under the jurisdiction and control of the chief fiscal officer or other officer of the political subdivision or district having custody of its money, until returned to the bidder or forfeited."

The "chief fiscal officer" of a school district is defined by the Local Finance Law. That person is the President of the Board of Education. It doesn't make much sense for the President of the Board to hold these items. Consequently the law was amended in 1973 to provide that the "officer of the district having custody of its money" might be guardian of the security. This officer, of course, is the district treasurer.

In their zeal to keep money working, some districts have deposited certified checks and invested the money. This is strictly forbidden by Comptroller's Opinions 723-68 and 48-54.

## Cooperative Bidding

The benefits to be derived from increasing purchasing volume by regional activity gain added value as efforts to get more mileage from the school dollar continue. It is an appropriate point to review the guidelines for cooperative bidding.

The authority for these joint efforts lies in Section 119-o of the General Municipal Law. While a Board of Cooperative Educational Services is a logical agency to offer and coordinate such cooperative effort among the districts within its boundaries, any school district can act as the coordinating agent with the participating districts sharing the cost. Indeed, two or more BOCES can conduct a joint bidding effort among their component districts.

For a flow chart for cooperative bidding depicting the sequential activities of participating districts, BOCES or a school district, and vendors, see page 26.

The first step in cooperative bidding is for all participating districts to acquaint their respective boards with the general plans for the project. The participants then appoint a coordinating committee headed by a chairman or coordinator. The committee appropriately concerns itself with matters such as:

1. Needed quality standards;
2. Desirable quantities to satisfy the districts' needs and to attract bidders;
3. Packaging, labeling, and delivery requirements;
4. Samples to be required;
5. Bid security to be required (if any);
6. Preparation of notice to bidders, general conditions, and specifications;
7. Newspapers to carry the legal advertisements;
8. To whom bid invitations will be sent;
9. Time schedule for legal notice, issuing bid invitations, bid call, tabulations, and recommendations;
10. Sharing of costs.

Included in this step is the formulation of a carefully structured policy statement. This statement, which will govern the conduct and procedures of the project, is extremely important since it establishes the ground rules within which all participants will operate. The policy covers points such as the following:

1. That each district must be willing to abide by majority decisions on quality standards and the recommendations of the committee on award of contracts;
2. That each district will agree to participate despite the possibility of a bid which is less favorable than a prior year's bid;
3. That each district will assume its equitable share of such costs as legal advertising, duplicating, mailing, etc.;
4. That each district will award contracts as recommended and thereafter will conduct all negotiations and/or correspondence directly with the successful bidder(s).

Certain formalities must be observed by each of the boards of education wishing to participate. The law referred to above requires the board of each participating district to approve its district's participation in the effort by a "majority vote of the voting strength of its governing body". It is recommended that the board act upon a resolution such as the following.

# RESOLUTION OF BOARD OF EDUCATION

WHEREAS, It is the plan of a number of public school districts in ____________ County, New York, to bid jointly (name commodities) and

WHEREAS, The (school district) is desirous of participating with other school districts in ____________ County in the joint bidding of the commodities mentioned above as authorized by General Municipal Law, Section 119-o, and

WHEREAS, The (school district) wishes to appoint a committee to assume the responsibility for drafting of specifications, advertising for bids, accepting and opening bids, tabulating bids, reporting the results to the boards of education and making recommendations thereon; therefore,

BE IT RESOLVED, That the board of education of the (school district) hereby appoints (list all members of the committee) to represent it in all matters related above, and,

BE IT FURTHER RESOLVED, That the (school district) Board of Education authorizes the above mentioned committee to represent it in all matters leading up to the entering into a contract for the purchase of the above mentioned commodities, and,

BE IT FURTHER RESOLVED, That the ____________ Board of Education agrees to assume its equitable share of the costs of the cooperative bidding, and,

BE IT FURTHER RESOLVED, That the ____________ Board of Education agrees (1) to abide by majority decisions of the participating districts on quality standards; (2) that unless all bids are rejected, it will award contracts according to the recommendations of the committee; (3) that after award of contract(s) it will conduct all negotiations directly with the successful bidder(s).

## CERTIFICATION OF DISTRICT CLERK

I, ______________________________, district clerk of the ______________________________ Board of Education, hereby certify that the above resolution was adopted by the required majority vote of the board of education at its meeting held on ____________.

____________________ Date

____________________ Signature of District Clerk

When the resolution bearing the clerk's certification is received by the coordinator of the cooperative project, it should be acknowledged by remitting to the sending district some such statement as follows:

## ACKNOWLEDGEMENT OF RECEIPT OF BOARD RESOLUTION

TO: Board of Education of ____(school district)______
participating in group bidding project.

FROM: ______________________________________________
(Committee Chairman) (Coordinator)

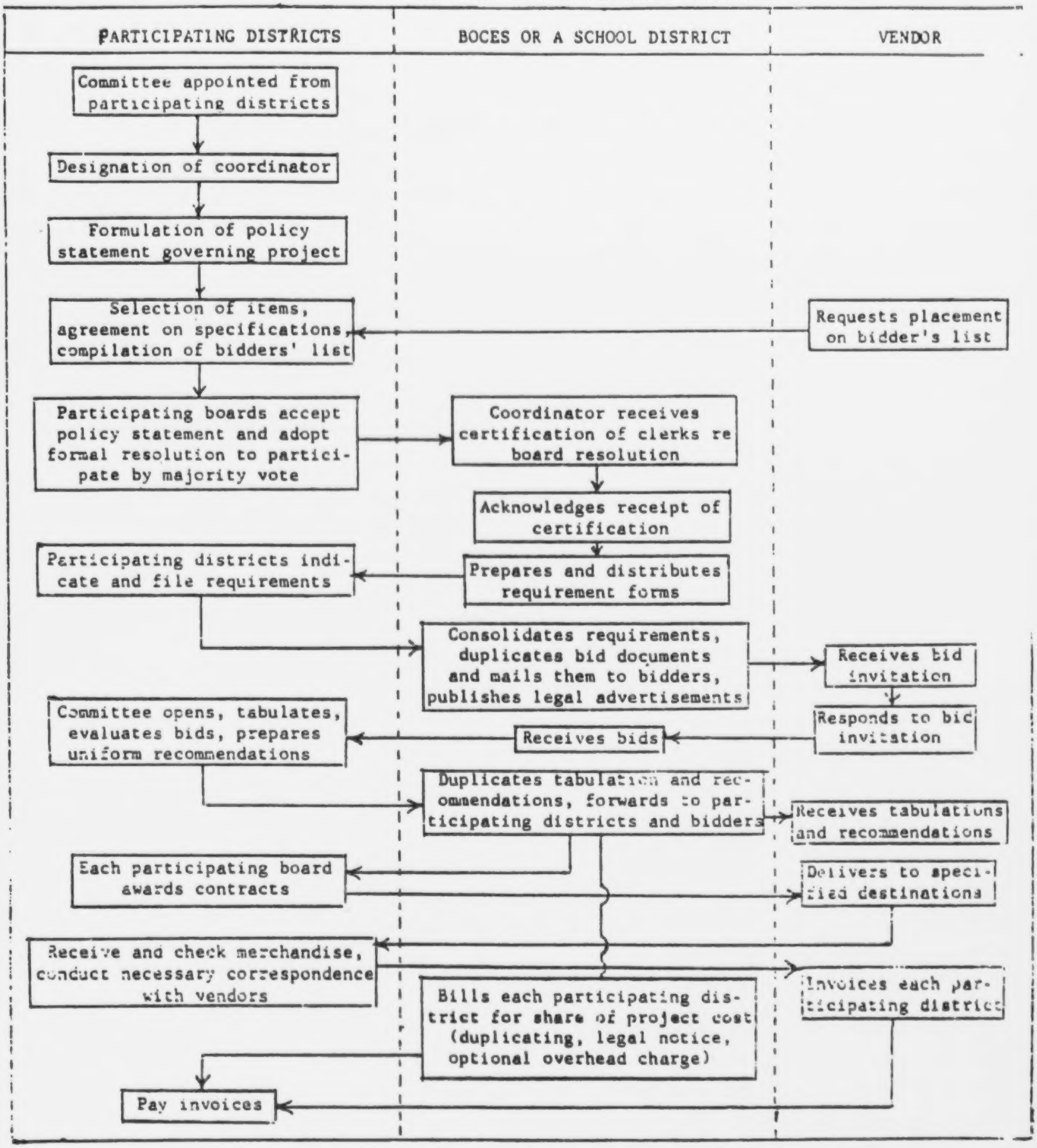
RE: Receipt of board resolution.

This confirms receipt of the completed copy of the resolution approved by your board of education at a meeting held on

______________________________________.

Boards of cooperative educational services and school districts are urged to organize and conduct bidding.

FLOW CHART FOR COOPERATIVE BIDDING


PARTICIPATING DISTRICTS
BOCES OR A SCHOOL DISTRICT
VENDOR
Committee appointed from participating districts
Designation of coordinator
Formulation of policy statement governing project
Selection of items, agreement on specifications, compilation of bidders' list
Requests placement on bidder's list
Participating boards accept policy statement and adopt formal resolution to participate by majority vote
Coordinator receives certification of clerks re board resolution
Acknowledges receipt of certification
Participating districts indicate and file requirements
Prepares and distributes requirement forms
Consolidates requirements, duplicates bid documents and mails them to bidders, publishes legal advertisements
Receives bid invitation
Responds to bid invitation
Committee opens, tabulates, evaluates bids, prepares uniform recommendations
Receives bids
Duplicates tabulation and recommendations, forwards to participating districts and bidders
Receives tabulations and recommendations
Each participating board awards contracts
Delivers to specified destinations
Receive and check merchandise, conduct necessary correspondence with vendors
Invoices each participating district
Bills each participating district for share of project cost (duplicating, legal notice, optional overhead charge)
Pay invoices

## Centralized Storage

A district which has centralized its purchasing function does not necessarily have centralized storage, or central stores as it is sometimes referred to. Centralized storage provides a central storage point or a warehouse where all goods purchased by the school system are received, stored, and inventoried. Deliveries from the central storage point to individual school buildings are generally made only upon receipt of a warehouse requisition.

Decentralized storage, on the other hand, provides for the receiving, storing, and maintaining of all materials needed by an individual building in that school building. Supplies are drawn from the school's storage area by building personnel who follow whatever internal requisitioning procedures are set up in that building.

There can be no argument that stocking of supplies is essential in a school system. The administration and the board of education must face the question of what is best for that district: centralized receipt, storage, and inventory of supplies; decentralized receipt and storage; or some practicable combination. There is something to be said for each of these concepts.

### Advantages of centralized storage

1. Flexibility of purchasing is maintained so that large orders may be placed at any time of the year. Supplies may be purchased in advance of use, thereby improving the delivery service to schools and reducing the possibility of "short orders". Peak purchasing loads can be avoided; purchases may be scheduled when the market price for a particular item or class of item is most favorable. Purchases can be timed to avoid placing orders during the suppliers' rush season; timely deliveries are possible with back-orders minimized; suppliers will be more anxious to bid and prices offered will be more competitive.
2. Clerical, packaging, and shipping expenses may be reduced for the supplier when it can send supplies in large lots to one location. It facilitates purchasing of a great number of items in quantity (case, trailerload, or carload lots). Shipping costs per hundred-weight are reduced as tonnage increases.
3. Principals, teachers, and office personnel are relieved of much clerical work and are free to perform their primary functions. Business office clerical costs are reduced because fewer purchase orders and fewer payments need be processed.
4. There can be close coordination within the purchasing office, the storage office, and the accounting office. Financial accounting and prompt payment of bills are facilitated.

5. Centralization makes it economical to employ and train a specialized supply person. Competent personnel are always available for handling deliveries. Systematic and uniform inspection of delivered goods is possible. Thus, the district is protected from loss through packaging, counting, and weighing errors or through the rare instances of deliberate attempts to "short change" the school.
6. Supplies and equipment are more easily controlled by perpetual inventory and records of receipts and disbursements. Inventory and other centrally controlled records can be maintained more efficiently, and studies of consumption, standardizing, unused materials, price trends, etc., may be developed more easily from them. The records provide a method for redistributing surplus stock from a school so that it may be sent to a point of need. The total inventory investment is reduced.
7. Centralized storage helps eliminate the temptation of individual schools or departments to hoard and stock materials. Losses from obsolescence, waste, and outright pilferage are reduced.
8. An adequate, continuous, and wide range of supplies can be assured for each school with a minimum of storage space at each location.
9. Materials are kept in good condition because of better storage facilities and closer administration. Suitable storage space for quantity purchasing can be constructed more economically at one point than at all schools.
10. There is little chance of mistakes or duplicate ordering when one person controls the supply storage for the entire school system. Time and expense involved in the relocation of goods shipped to improper sites are eliminated.
11. Space in classroom buildings may be more valuable than space in storage buildings; its release for classroom use is high-value utilization.

Advantages of decentralized storage

1. Supplies and equipment are stored in the building of use and are available when needed. No delivery time is lost by routing needs through a warehouse. If the district arranges standing purchase contracts with suppliers for even flow of items to each school throughout the year, or if adequate storage space is available in each building, the need for a central warehouse is eliminated.
2. Internal operational costs are reduced through elimination of deliveries, costs of warehouses, and specialized warehouse equipment and personnel. The costs of a large central supply staff are avoided since clerical and administrative personnel essential to the successful operation of a central storage unit are not needed. The

accounting for items forwarded to schools by the warehouse is eliminated. It may be cheaper to provide limited storage areas in schools than to build a central unit.

3. Each school building is a self-sufficient administrative unit. Accounting for costs of items delivered to the warehouse is eliminated.
4. The frequent purchase of new materials delivered directly to each unit satisfactorily combats obsolescence. The supply of materials can be easily adjusted to changes in the educational programs; a backlog of old supplies need not be used first.
5. All employees are close to the supply situation. They understand it and feel that little red tape is required to obtain supplies.

From the various arguments listed above as advanced by various authorities, it seems that there is no one best plan for receiving and storing all supply and equipment items. Central warehousing is not a panacea for receiving and storage problems. Decentralized receiving and storage may have considerable merit for a particular district. Perhaps some items should be centrally received and stored, while others should be received and stored at the points of need.

A central warehouse is not practical for a very small school system. In order for a central warehouse to be practical, the volume of work should be sufficient to justify the employment of at least one person for service at the warehouse for twelve months in the year. Some authorities recommend a central warehouse if a system has six or more school buildings of reasonable size located at separate sites.

The most important intangible savings attributable to stores operation is realized from reduction of the number of purchase orders issued. A single purchase order issued for the storeroom will supply material to fill a large number of department requests, sometimes a hundred or more, but the average is around forty or fifty.

## Purchasing Procedure

In order to outline all of these items in an orderly manner, a recommended purchasing procedure, which applies to the vast majority of school districts, is now presented.

The recommended procedure is as follows:

a. In order to provide more efficient budgeting and purchasing, each staff member carefully prepares original budget requests in order to reflect all program needs for the coming school year. Only requisitions of an emergency nature are considered once the fall term begins.

b. Original budget requests are made predominately upon standard supply lists prepared cooperatively with the staff members concerned. These lists should contain additional pages on which the staff may add items not included on the list. These forms should be made out in duplicate, with one copy to be retained by the principal and one copy forwarded to the business office as part of the consolidated totals for each building.

c. When received by the business office, the lists from each building are consolidated and serve as a basis for obtaining bids after specifications have been written. If budgetary cuts occur prior to adoption of the budget by the board, the summary lists must be adjusted following discussion by the building principals and their staff. The bidding procedure is then followed according to law and based upon a purchasing calendar developed by the purchasing agent.

d. Following the acceptance of bids, purchase orders are released to each successful bidder according to the purchasing calendar.

e. Supplemental or emergency requests developed during the year should be completed in duplicate and forwarded to the building principal. After he/she has reviewed and approved the request, they are forwarded to the business office. The principal's copy of the requisition (when returned from the business office) should be filed by budget code and arranged alphabetically by vendor. By adding the requisition totals for any budget code, the principal will have a check on the amount encumbered in that portion of his/her building budget at that particular time.

f. Upon receipt by the business office, the requisition is checked for clarity and to determine if sufficient appropriation is available. Upon approval by the purchasing agent, the requisition would be compared to other requisitions being processed in order to consolidate where feasible.

g. Once per week the purchase orders are typed, signed by the purchasing agent, encumbered, and released.

h. Purchase orders are typed by the purchasing clerk in the business office. Coding is checked against the approved budget allocations.

i. Encumbering - Copy 2 is encumbered by accounting section (before mailing the vendor's copy) and then placed in an open numerical file for unpaid purchase orders. After the bill is paid, the actual amount of the final payment is posted to this copy and it is sent to the building principal.

j. Alphabetical file - Copy 3 is used as a quick reference concerning total purchase by vendor.

k. When items have been received, the person receiving the shipment checks the items and indicates on the receiving copy (copy 4) the date of receipt and condition of the shipment, then signs the copy. This copy is then forwarded to the business office, where it should be attached to the vendor's invoice. The receiving copy and invoice are then checked for accuracy by the accounts payable clerk before being typed on a schedule of bills and audited by the internal claims auditor (if one is appointed).

l. When the invoice has been paid, a copy of the check is stapled to the receiving copy 4 and the invoice. This forms a paid claims packet, which is filed alphabetically by vendor for future reference.

m. When the final decision regarding partial payment has been made by the purchasing agent, a photostatic copy of the purchase order with an indication of all items received to date, along with a corresponding invoice, is sent to the accounting section. At this point, the original amount of the purchase order is liquidated and the remaining balance is re-encumbered using the same purchase order number.

n. At periodic intervals, the purchasing agent follows up the purchase orders in the open file (#2 copy, numerical) to make a determination of outstanding orders. Decisions should be made to either contact the vendor and resolve the problem or cancel the order and perhaps reorder the item from another vendor.

o. At the end of the fiscal year, the outstanding purchase orders left in the open numerical file serve as a basis for the reserve for encumbrances. They are placed in the open numerical file for the new fiscal year.

p. Corresponding #3 copies are placed in the new alphabetical file at the beginning of the new fiscal year.

q. Fixed assets can be recorded from the signed receiving copy while it is in the process of being finalized for payment.

r. Requisitions corresponding to the outstanding purchase orders at the end of the fiscal year are carried over into the new year by the building principals.

s. Monthly budget status reports which conform to Section 170.2(p) of the Commissioner's Regulations should be provided by the treasurer. This will enable the purchasing agent to correctly determine if sufficient appropriations are available.

t. Monthly appropriation status reports should be provided to each building principal in order to enable him/her to know the status of his/her building accounts.

At this point, it should be noted that this recommended procedure provides the following essentials for internal control, follow-up, accounting, and auditing:

a. Encumbering of the order before the purchase request is dispatched to the vendor;

b. A numerical file of unfilled orders for aging and follow-up;

c. A permanent alphabetical-by-vendor file for reference;

d. An advisory copy of the completed order sent to the buiding principal or department head for future reference;

e. Verification of the accuracy of the warrant and a comparison of the claims for payment with the checks issued for payment by the treasurer;

f. Verification of the officer giving rise to claims as well as certification of audit approval; and

g. A complete documented history and audit trail of the transactions for every claim that has been paid.

# INSURANCE IN THE SCHOOL DISTRICT

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## Introduction

The purpose of this presentation is to enhance the ability of the Chief School Officer to oversee the procurement and administration of the school district's property-casualty insurance program. Group health and other employee benefits coverages are not discussed. The commitment of all of the available space to the property-casualty category is felt to be justified by its importance to the economic well-being of the school district — and by the fact that the background of the typical Chief School Officer seldom includes adequate preparation for dealing with this complex area.

While limitation of this discussion to the property-casualty category still does not allow for a detailed treatment of the subject, such depth is out-of-place in a handbook. It would also duplicate other available published material, such as Volume 11 - Insurance; "School Business Management Library", 1985, published by the New York State Association of School Business Officials. While some redundancy is needed to permit independent use of this material, other information is also employed to address issues of significance to the Chief School Officer that are not discussed elsewhere.

## COVERAGES AND PROTECTION REQUIRED BY LAW

There are relatively few kinds of insurance or protection required by law; most are dictated by prudence. The following general descriptions do not include all of the provisions of the particular statutes, and should not be relied upon in specific instances.

### Fire Insurance

Except for school districts in cities with a population of more than 35,000 where title to the school buildings is vested in the city, fire insurance with a company licensed to do business in New York State on the schoolhouses, their furniture, apparatus and appurtenances, and the school library is required by various Education Law sections. Amounts of insurance, policy forms, and other coverage details are not specified.

An argument can be made that these requirements to purchase fire insurance are superceded by authority provided elsewhere in the Education Law and in the General Municipal Law, for school districts to establish reserves to self-insure property and liability losses. However, this apparent conflict has not as yet been addressed by the courts or the Comptroller.

A building no longer used as a school is not a "schoolhouse" and is not required to be insured, according to a Comptroller's Opinion.

### Official Undertakings (Fidelity Bonds)

The Education Law requires bonding of tax collectors and treasurers of City School Districts in cities with populations of less than 125,000, and Central School Districts, Union Free School Districts, and Common School Districts. Also, the internal auditor, or clerk of the board if an internal auditor has not been appointed, and any employee or officer designated by the board to be bonded, must be bonded in City School Districts in cities with populations of less than 125,000. Internal Auditors in other school districts, and substitute tax collectors and treasurers are required to be bonded by Regulations of the Commissioner of Education. Specific amounts of protection are not prescribed in any of the statutes.

The Public Officers Law permits those required by law to be bonded, to be covered in a blanket bond, but requires coverage for faithful performance of duty as opposed to the more limited alternative of honesty coverage.

### Workers' Compensation

School districts and BOCES are required to provide Workers' Compensation benefits for their employees, by both Education Law and Workers' Compensation Law. Disability Benefits (DBL) coverage is permitted but not required. Either insurance or self-insurance is permitted. The General Municipal Law affords school districts the authority to establish self-insurance reserves for Workers' Compensation.

### Liability

The Education Law requires school districts and BOCES to protect employees, practice teachers, and authorized participants in school volunteer programs from financial loss because of claims against them for accidental bodily injury or damage to property of others which arise in the discharge of their duties within the scope of their employment. It also requires school districts and BOCES to provide and/or pay for the defense of such persons in civil or criminal actions that arise from disciplinary action taken against pupils of the district, if they were acting in the discharge of their duties within the scope of their employment.

The Education Law further requires BOCES and school districts other than the New York City School District to pay for the defense of, and awards against, board members, employees, and members of committees on the handicapped and subcommittees thereof, relative to any action or proceeding other than a criminal prosecution or an action or proceeding brought by the school district or BOCES, which arise from actions taken in the exercise of powers or performance of duties. A separate but similar provision applies to the New York City School District.

Similar protection is provided in the Public Officers Law, except that it also applies to individuals who have left the service of a school district or BOCES. This protection also differs from the Education Law requirements in that it does not apply unless the board elects to become subject to its provisions. The board can elect to substitute its provisions for those of the Education Law, or to supplement them.

These obligations apply whether or not the school district or BOCES has insurance for them.

## TYPICAL SCHOOL DISTRICT PROPERTY-CASUALTY COVERAGES

The following outline is offered as a checklist to permit an inventory and preliminary evaluation of the district's program. The reader should understand that the list cannot be accurate for every school district. A given district may need coverages that are not listed for unusual exposures, or may not carry some of those listed for good reason. If a listed coverage is not carried, however, it is desirable to determine the reason. In addition, the fact that a district has a given coverage is no guarantee that the coverage wording adequately covers the district's exposures. Only a careful reading of the policy forms, insuring agreements, and particularly, the exclusions, can reveal what is and is not provided. Finally, all of the important points about the coverages are not listed.

The coverages are shown under the policy types in which they are typically found, but virtually all of them can be provided in separate policies. Options are denoted by use of the word "or", with the broader or preferred approach listed first.

### I. Special Multi-Peril Policy

Fire and Related Perils may be written on an All Risk basis, or for Fire, Extended Coverage, and Vandalism; and for one blanket amount of insurance for all buildings and contents, or for specific, separate amounts for each building and each building's contents. Replacement Cost or Actual Cash Value (replacement cost less depreciation) coverage may be selected. An Agreed Amount Endorsement is usually available to waive the Coinsurance Penalty clause, so that loss recovery will not be subject to a possible coinsurance penalty. Contents (also called "Business Personal Property") is essentially provided only on premises. Extra Expense can be added to insure the extra costs to continue operations at other locations after a fire or other loss. Builder's Risk coverage is needed for new buildings or additions while under construction.

Comprehensive General Liability coverage may be offered on an Occurrences or a Claims Made basis. Occurrence insures losses without time limit as to when the claim is made, as long as the incident occurred during the policy period. Claims made, in its basic form, also covers only losses that occur during the policy period, but only if the claim is made during the policy period. While extensions of coverage are available to cover claims that occurred during a selected number of years prior to the beginning of the policy, and for claims that are brought within a specified period after policy expiration, this approach is not nearly as broad as coverage on an occurrence basis. Bodily Injury and Property Damage are basic; Personal Injury (ego or reputation injury, such as libel, slander, etc.) is a recommended addition, as are Incidental Medical Malpractice, Employee Benefits Programs Liability, Products and Completed Operations, and Owners' Protective. The Broad Form Comprehensive General Liability Endorsement providing blanket contractual, host liquor, non-owned watercraft, and other broadening features, is also a desirable option. An endorsement should be added to provide coverage under the Education Law and/or Public Officers Law requirements to protect board members, employees, practice teachers, and authorized volunteers including lay members of the Committee on the Handicapped.

Blanket Bonds cover loss of district property, including money, caused by employees. Alternatives are the Public School System or the Public Employee form on a Faithful Performance or Honesty basis, and Blanket Position or Commercial Blanket coverage. Blanket Position coverage is broader, since it provides its limit for each employee involved in a loss, while the Commercial Blanket limit applies to the loss, regardless of the number of employees involved. A rider is needed to eliminate an exclusion in the typical form, for persons required by law to be bonded. Additional coverage over the limit selected for all employees can be added for selected positions such as Treasurer and Tax Collector. A rider should be added to cover endowment, scholarship, gift, and payroll deduction funds. As noted earlier, Faithful Performance is required for persons required by law to be bonded.

Money and Securities Broad Form applies to loss inside and outside (i.e., on the way to the bank) the premises, caused by other than employees. Off premises tax collection locations can be added for the tax collection period, and the amounts of insurance can be increased for such peak periods during the year.

Mercantile Open Stock Theft or Burglary of Equipment is not needed if "All Risk" Fire and Related Perils coverage that includes, as is usually the case, coverage for theft of equipment, is purchased.

Floaters are generally used to cover property that is used off premises such as band instruments; some audio-visual equipment; grounds maintenance tractors and related equipment; property of others in the district's custody, such as art exhibits; and extensive management data processing operations.

## II. Boiler and Machinery Policy

This coverage insures damage to district property including the boilers and other objects insured, for broad (similar to "All Risk") coverage, or for limited (explosion only) coverage, on a Repair or Replacement or an Actual Cash Value basis. If the district has steam boilers, the limit should be adequate to cover the possible damage that explosion of a steam boiler could cause, because most Fire and Related Perils forms exclude damage caused by the explosion of a steam object. Indirect damage coverages, such as Consequential Loss (to cover spoilage of freezer contents caused by a loss to the freezer, for instance) and Extra Expense, are often desirable additions.

## III. Business Auto Policy

Liability and No-Fault - Comprehensive Auto Liability rather than Standard Auto Liability should be carried to obtain automatic coverage on new vehicles. Coverage on all three categories of autos — owned, hired, and non-owned -- is needed for proper protection. An endorsement should be included to cover the district's Education Law obligations to protect board members, employees, practice teachers, and authorized volunteers, or to add such persons as insured while operating any vehicle on district business. A No-Fault (Personal Injury Protection) exception for buses provides that injured passengers collect from the No-Fault coverage on their families' autos, rather than from the bus insurer, unless there is no auto in the passenger's household. This part of the policy also includes the mandatory Uninsured Motorists coverage.

Automobile Physical Damage includes Comprehensive, or Combined Additional Coverage, or Fire and Theft. "Full Glass" (deductible does not apply to glass losses) is popular because of its modest cost. Collision is sometimes not carried on buses where Transportation Aid covers a substantial percentage of transportation costs.

## IV. Workers' Compensation Policy

An employee injured on the job collects Workers' Compensation benefits even if his or her own negligence caused the accident, but the employee is precluded from suing his employer. However, the employee can sue others, such as the maker of a machine that caused the injury. The manufacturer can, in turn, sue the district for failing to train the employee in the safe operation of the machine. If such a suit is successful, the district can become liable for the employee's injuries, and such loss is excluded in the district's General Liability coverage. Employers' Liability, which is included along with coverage for Workers' Compensation benefits in Workers' Compensation policies, covers such suits. The limit of coverage is not extensive, however, so the district's Umbrella Liability insurance should include excess coverage for Employers' Liability. Self insured Workers' Compensation plans should always have Employers' Liability insurance.

In order for elected and appointed officers of the district, such as board members, and tax collectors who are not otherwise employees, to be covered for Workers' Compensation benefits, the board must pass a specific resolution authorizing such coverage.

## V. School Board Legal Liability Policy

This coverage insures for errors and omissions, and does not duplicate other liability coverages. Broad Form coverage (board members and all employees) should always be purchased to cover statutory obligations to protect employees. The district itself, and authorized volunteers, including lay members of Committees on the Handicapped and subcommittees thereof, should also be included as insureds. Coverage on a Claims Made basis is often the only available form. Prior Acts coverage is often available.

## VI. Catastrophe-Umbrella Liability Policy

These policies, when written as originally conceived, provide excess limits over those of regular (underlying) General, Auto, Employers', and School Board Legal liability coverages, but also cover certain losses that are not covered by the underlying coverage. In such cases where the underlying coverage does not apply, a deductible called the "insured's retention" (or "SIR", for self-insured retention) applies. Under difficult market conditions, insurers often add exclusions that make the coverage significantly more restrictive than the underlying liability coverages. Popular exclusions are for liability arising from physical education and sports, medical malpractice, environmental impairment, products, and asbestos. Some insurers also provide only Claims Made coverage.

## VII. Student Accident Policy

Coverage may be blanket on all students in all school sponsored activities, or on sports teams only. Use of district personnel or facilities to solicit or arrange voluntary parent-paid coverage is improper, and usually ineffective because those who need coverage most cannot afford it. Many districts find the relatively limited but very inexpensive coverage in the non-profit Pupil Benefits Plan, Inc. to be adequate. Virtually all plans, including those offered by insurance companies, are "non-duplicating"; that is, they pay only after the parents' coverage has paid its limit.

## EVALUATION OF THE INSURANCE PROGRAM

Insurance is one of those aspects of management that gets little attention until something goes wrong. One reason for this is that no day-to-day tasks have to be performed or decisions made to keep it running. Another is the natural reluctance to deal with subjects about which one has limited familiarity. In the case of insurance, this makes it easy to rationalize that the insurance agent knows what he is doing and is looking out for the district's interests. While this is usually true, it is not always the case. Since a failure in the property-casualty insurance program can seriously affect the economic viability of the district, it is only prudent to direct efforts towards the avoidance of such failure.

The Chief School Officer cannot expect to be, or be expected to be, an insurance expert. He or she can, however, take action that will help to determine if the insurance program is on the right track and that it will adequately cover the major exposures of the district. Following are some initial steps that can be taken toward that objective:

1. Determine what coverages the district has decided should be carried, through discussions with district personnel, board members, review of board minutes, correspondence with the agent or broker, prior years' insurance policies, etc..
2. Determine if current policies, or current valid binders that provide such coverages, are in the district's files. A verbal promise from the agent or broker that an over-due policy will be forwarded as soon as it is issued by the company, but that coverage is in force, is not adequate. Binders signed by an agent for a particular company are valid if his or her contract with that company provides such binding authority; brokers do not have binding authority. Letters indicating that a particular policy or coverage has been ordered are not adequate.
3. Check the coverages purchased against those listed above under "Typical School District Property-Casualty Coverages".
4. Meet with the agent or broker to determine:

a. The reasons for any differences between the list of typical coverages and those carried by the district;

b. Whether the insurance companies consider the district to be a good, average, or poor risk, and why;

c. What recommendations the agent or broker has for changes in the insurance program or in its management;

d. What problems, if any, the agent or companies have with the district, such as late reports of losses, slow payment of bills, loss frequency, etc.

While these initial steps will not reveal whether the policies are properly written or whether all of the district's exposures are covered, they should reveal any obvious problems or gaps in coverage. The evaluation process can and should progress beyond this point to include such things as:

a. Review of the routing of insurance-related communications and accident reports, to insure proper and timely action and evaluation;

b. Exposure identification, to guarantee that all substantial exposures are insured;

c. Review of the district's claims-handling procedures to insure prompt reporting and complete documentation.

## THE CHANGING INSURANCE MARKET

As this material is being written, the insurance industry is in the process of substantial change that will adversely affect school risks for the forseeable future. Because these changes have not yet been outlined, it is impossible to offer specific advice in response to them.

It is possible, however, to describe the current problem and the conditions that brought it about; to discuss how coverage revisions the industry is seeking, in its efforts to regain a profitable posture, will affect school districts; and to suggest what school districts can do to cope with this difficult period.

### The Problem and Its Causes

The insurance market has historically been characterized by a two-phase cycle. In the competitive phase, insurers compete aggressively for market share with low prices and liberal underwriting. When losses become excessive, the market enters the noncompetitive phase as insurers increase prices and tighten underwriting to enhance profitability. When market share again drops off, the cycle begins again.

The market began a competitive phase in 1978 that lasted into 1984 -- well beyond the usual two or three year period, and well beyond the point where loss ratios would ordinarily have dictated movement into the non-competitive phase of the cycle. By 1984, premium levels had dropped 50% from 1978 levels. Several factors contributed to this unique situation, but two had major roles: A recessionary economy which reduced the amount of insurance purchased and encouraged insurers to compete more intensely to maintain market share; and record-high interest rates which generated earnings that more than offset underwriting losses.

Throughout this period, the rate of liability losses in terms of both numbers of and average cost of cases accelerated sharply as court interpretations of liability insurance policy provisions grew more liberal, and massive class-action suits involving products liability, asbestos contamination, and environmental pollution were pursued. The world-wide reinsurance market became increasingly concerned as the losses grew. Finally, in 1983, reinsurers imposed sharply higher renewal rates upon the domestic insurers and drastically reduced the amounts of reinsurance they would write. When these conditions became effective, domestic insurers had no choice but to pass the increases on to their insureds and to reduce their writings. By 1985, the resulting precipitous reversal of the market impacted school risks with average property-casualty program premium increases of approximately 100 to 150% over 1984 levels, and with coverage restrictions that left many with marginal coverage and inadequate limits of liability insurance. The problem will not be short-lived; it has been estimated that the industry's capacity to write business will fall short of demand by 22% in 1986, and by 26% in 1987.

Municipal risks, including school districts, are in a particularly poor position to compete with private sector risks for needed insurance protection. Since there is no limit to the amount for which they can be held liable, public entities are viewed as having "deep pockets" and are therefore popular targets for litigation. This factor, combined with the legal principle of joint and several liability which allows, in cases involving more than one defendant, the successful plaintiff to collect the full amount of the award from one defendant even if its degree of negligence was minor, causes insurers to regard public entities as poor subjects for liability insurance.

## The Insurance Industry's Proposed Solutions

In order to solve their problems, insurers are seeking substantial and complex changes in liability insurance policy provisions. In order to understand these changes it is necessary to understand the reasons for them.

Under the current occurrence-based liability policy, claims are covered no matter when they are brought, as long as the incident that gives rise to the claim occurs during the policy period. The limit of insurance applies only to awards. The insurer is obligated to provide and pay for the insureds' defense regardless of cost, until the limit is fully expended for loss payments. The limits apply to each occurrence; there is no total aggregate limit for most types of claims, regardless of the number of occurrences. In recent years, these liberal provisions have cost insurers dearly. They have experienced sharp increases in the numbers of claims, especially for asbestos-related illnesses, that are brought for incidents or exposures dating back 20 and 30 years. The cost of defense of suits has increased sharply, amounting to as much as one third to one half of the limit of insurance. The advent of class-action suits has resulted in a multitude of claims for separate occurrences, each of which potentially requires payment of the occurrence limit.

The changes currently proposed by insurers are designed to reduce their exposures in these areas. One is for a "claims made" form of policy wherein a claim is covered only if brought within the policy period; and, in its most basic form, only if the incident which gives rise to the claim occurs during the policy period. A coverage extension would include incidents that occurred for a selected number of years prior to the start of the policy. Another would cover claims made for a set period after the expiration of the policy. While an initial claims made policy (renewing an occurrence-based form) would be comparatively inexpensive, each succeeding renewal would be more expensive, because it would have to be written to pick up an additional prior year, to avoid a gap in coverage. An occurrence-based form would also be offered, at a significantly higher price. Because school risks have long-term exposures, in that children injured at school can bring claims when they become adults under certain circumstances, and because many practical questions about how the Claims Made policies will be underwritten are unanswered, the school district is best advised to select the occurrence-based option.

Another proposal is to include the cost of legal defense in the limit. This would mean that if the insurer expended one half of the limit defending a case, only one half would be left to pay for awards. Therefore, in order to have the same amount of protection as is afforded under the current policy provision, the insured would have to buy double the limit. If approved, there would be no option in this case. The only way to avoid such a change is to lobby against it.

A third change would be to place an aggregate limit on the total amount of loss for which the insured would be responsible during the policy period. Again, if approved, there would be no option.

Another proposal is to eliminate all coverage for environmental impairment, or pollution. The current form covers only sudden and accidental incidents, excluding situations where the impairment occurs slowly over a period of time. While some school districts have a degree of exposure in this area, the loss of the existing coverage is not felt to be as serious as some of the other modifications.

## What School Districts Can Do

While there are clearly no simple and quick solutions to the fundamental problems faced by the insurance industry and its customers, there are steps that school districts can take to enhance their ability to obtain adequate protection. One is to join with other public entity groups to aggressively lobby for legislation that will limit the liability of public entities. Such legislation is clearly needed to allow public entities to compete on an equal basis with other risks.

Another is to lobby against the restrictions in the policy forms that are proposed by the insurers. The insurance industry's efforts to shift a significant amount of liability to their insureds is inequitable. School districts and other insured are far less able to cope with the burden than are the insurers.

Lastly, school districts must apply techniques of risk management, especially safety and loss control. Technical assistance may be needed to establish a plan, but the successful application of risk management rests solely with those involved in the day-to-day operations. There is no better way to protect the enterprise, or to reduce the costs of protection, than to prevent an accident froom happening. A safety and loss control program is no longer just a desirable activity, it is an undertaking that is essential to the welfare of the district.

# PUPIL TRANSPORTATION IN NEW YORK STATE

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NOTE: References are made throughout to decisions of the Commissioner of Education, i.e., (21 EDR 484). Each citation shows the volume number first (21), the name of the text next (Education Department Reports), and then the page on which the case begins (484). The books are usually located in each school district or public library with a law section.

## Introduction

Pupil transportation in New York today is the product of many years of Federal and State laws, agency regulations and local boards of education policies and administrative rules and regulations. It has evolved into the transportation of nearly two million (2,000,000) students daily or 360,000,000 students annually. It requires over 25,000 vehicles of all sizes and shapes manned by over 40,000 full-time, part-time, and substitute school bus drivers. The annual cost associated with this integral part of the educational system is in excess of three-quarters of a billion dollars, or a little over two dollars per student transported annually!

## Eligibility for Transportation

The basic eligibility requirements for the transportation of children with nonhandicapping conditions are found in Section 3635 of the Education Law. With the exception of city school districts and common school districts, children with nonhandicapping conditions in grades K-8 who live more than two miles from home to school and those in grades 9-12 who live more than three miles from home to school are entitled to transportation to and from school. At the other end of the distance scale, are children not usually entitled to transportation if they live beyond 15 miles from their school of attendance. This does not hold true, however, in districts that are so geographically large that children live in remote areas of the district which are more than 15 miles from their resident school of attendance (Section 1807 of the Education Law). It has been held in an appeal before the Commissioner (9 EDR 138, 21 EDR 282) that,

> "The Commissioner has the power pursuant to Section 1807(l) of the Education Law to order a district to pay the cost of transportation whenever in his judgment it is required because of the remoteness of the school to the pupil or for the promotion of the best interest of such children and the cost thereof shall be a charge upon the district".

## Out of District Schools

In another appeal before the Commissioner (19 EDR 439), it was held that resident pupils attending a nonpublic school outside the district boundaries would not be entitled to transportation if the distance from home to school were greater than 15 miles (or a greater distance if approved by the voters of the district or a majority vote of the board members of a city board of education). Nonpublic school children attending nonpublic schools within the district are, however, entitled to transportation if they were attending their public school of legal attendance, i.e., if they lived 20 miles from their home located within district boundaries, they would be legally entitled to transportation under the "like circumstances" doctrine established in Section 3635 of the Education Law.

### Providing Transportation More Liberal Than That Specified In Section 3635 of the Education Law

Local noncity districts may adopt more liberal transportation eligibility requirements with annual voter approval (16 EDR 393). City and enlarged city school districts may adopt more liberal requirements by a majority vote of the members of the board of education.

### Distance, Not Hazard

In providing transportation to children, districts must do so to all children in "like circumstances", without regard to hazard (17 EDR 405, 20 EDR 407). The sole criterion for eligibility for transportation is distance. Groups of children, i.e., children with handicapping and nonhandicapping conditions, BOCES, in like grades (K, 4, 8, or 11), and in like conditions (living within city boundaries or living outside city boundaries or living beyond established distances), must be treated in "like circumstances", i.e., they either qualify or do not qualify for transportation services (22 EDR 381).

### Measuring Distances Between Home and School

In determining whether or not children are eligible for transportation, it has been held on many occasions in appeals before the Commissioner, that the decision of the local board of education will not be overturned so long as the method used to determine eligibility was basically fair and used consistently throughout the district (1 EDR 281, 14 EDR 303, 21 EDR 91, 22 EDR 453). Based on this decision, boards of education would be wise to include the procedures for determining eligibility in their local transportation policy document.

### The School's Responsibility to Ineligible Students

When conditions are such that children do not qualify for transportation, the board of education or State is not dictating or condemning those children to walk. Children who are not eligible to receive transportation for travelling to and from school are merely not eligible for transportation. How they arrive at school is a decision left to the parents (22 EDR 405, Pratt v. Robinson, 39 NY 2nd, 554, 1976).

### Door-To-Door Transportation Not Required

There is no requirement in law that entitles children to door-to-door transportation (18 EDR 412, 19 EDR 583). It is also not possible for all children to travel equal distances to and from bus stops. A natural consequence of efficient and economical routing of buses is that some children will travel greater distances than others in travelling to and from bus stops (18 EDR 412). School districts are responsible for the selection of safe bus stops (21 EDR 32) and this too will result in some children travelling greater distances than others when commuting to and from a bus stop. The safety of children in travelling to and from a bus stop is the responsibility of the parents, just as it is for those children who do not qualify for transportation from home to school (19 EDR 59, 22 EDR 405).

### Transportation for Children With Handicapping Conditions

Children with handicapping conditions are entitled to "suitable" transportation (Section 4402 (4)(a) Education Law, 21 EDR 183). The Law does not mandate door-to-door transportation for all children with handicapping conditions. It does, however, require transportation "suitable" to meet the needs of the child's handicapping condition. Decisions concerning suitable transportation should be addressed by the Committee on the Handicapped (COH) when recommending a program to the local board of education. Should the board of education decide the recommendation of the COH has no merit, the aggrieved party can appeal the board's action as stipulated in Section 4404 of the Education Law and Part 200 of the Rules and Regulations of the Commissioner of Education.

### Transportation From Other Than Home to School

On occasion, a district is asked to transport a child from a location which is other than the child's legal residence. In these situations, the district is not required to provide transportation but may do so if it chooses. The most common location, other than the home, is a babysitter's residence. If the district chooses to transport to or from the babysitter's residence, the child being transported must first be eligible for transportation from his or her legal residence. If basic eligibility is established, the district may then consider whether or not it will transport. In arriving at a decision and formulating policy concerning this subject, districts would be wise to review the following decisions of the Commissioner: 14 EDR 71, 19 EDR 434, 21 EDR 90 and 21 EDR 687.

### Student Discipline

There were no significant guidelines for districts to examine when considering student discipline as it relates to school transportation until 1980. At this time an appeal was brought before the Commissioner which resulted in the first really significant basis for formulating student discipline policies and procedures for school transportation (19 EDR 377). Since that time, four more appeals (19 EDR 108, 20 EDR 470, 21 EDR 654, 20 EDR 300) have helped to clarify the role and responsibility of both the student and the school in this important segment of school transportation.

### Empty Seat Rule

The "empty seat rule", as it is often called, is usually applicable in situations which pertain to transportation to nonpublic schools. The usual scenario is that a request for transportation to a nonpublic school is not filed in a timely manner, i.e., by April 1 of each year, and the petitioner has no reasonable excuse for the untimely filing. Under the "empty seat rule", transportation would have to be provided if there were room on the bus and there would be no additional cost to the district to provide the requested transportation — both conditions must be met. Therefore, if a district were contracting for its transportation on a per pupil basis, the fact that an empty seat exists would be nullified by the fact that it would cost the district additional money to transport the petitioner's child (4 EDR 70, 126, 131, 167; 5 id. 107; 6 id. 84).

### Late Bus Service

Districts are not required to provide late bus service, but if they provide it they are eligible for transportation aid. Public school districts that provide late bus service may also be required to provide same to resident students who attend nonpublic schools. It has been held in appeal before the Commissioner, however, that considerations of economy and efficiency may enter into the decision as to whether or not late bus service is required for nonpublic schools (16 EDR 312; 19 id. 518, 530; 20 id. 629).

The consideration of a program at the nonpublic school was also the basis for two decisions reached by the Commissioner in 1983 (22 EDR 443, 22 id. 445). It was also held in 20 EDR 407 that the rule of "like circumstances" does not apply in situations concerning late bus service.

## Transportation From One Public School To Another Public School

Occasionally, a public school will be asked to transport a resident pupil to a public school in another district. If the district of residence does not offer the required programs, it would be required to provide transportation to another public school district (19 EDR 547). If, however, the district of residence offered all the required programs, it would not be required to provide transportation but could do so if agreed to by the other public school district (19 EDR 139, 547; 22 id. 23).

## Reasonable Transportation

Over the many years, transportation services have been provided to the students of New York State's schools, and questions have arisen as to what is "reasonable" transportation.

Is the use of mass transit "reasonable" or must a district purchase national school bus chrome-colored vehicles and hire its own drivers? The answer is "Yes, mass transit is an acceptable alternative in providing transportation for pupils" (18 EDR 507).

Is it "reasonable" to mix K-12 students on the same bus? "Yes, mixing K-12 students is permissible" (17 EDR 404).

Is it "reasonable" for a child to spend one and one-half to one and three-quarters hours riding a school bus? "Yes, depending on the circumstances, it could be 'reasonable' for a child to spend one and one-half to one and three-quarters hours riding time on a school bus" (14 EDR 350, 21 EDR 347).

Is it "reasonable" for a nonpublic school to have a widely varying schedule for the opening and closing of school? "No, it is unreasonable for a nonpublic school to expect service from the public school based on a schedule that is extremely varying" (21 EDR 30).

## Reasonable Excuse

Chapter 719 of the Laws of 1978 requires public school authorities to consider the "reasonable" nature of excuses for late-filed requests for service to a nonpublic school. In the event the reason for submitting a late request for transportation is deemed to be reasonable by the Board of Education then transportation must be provided regardless.

Since the passage of Chapter 719, the following have been held in appeals before the Commissioner to be unreasonable excuses and not worthy of requiring transportation from the district:

- "My child received an unsatisfactory progress report" (19 EDR 140 + 392).
- "I was just notified by the nonpublic school that I could enroll my child" (19 EDR 556).

- "I couldn't make up my mind until after April 1st" (19 EDR 70, 149).
- "The nonpublic school never filed the request with the public school" (21 EDR 302).
- "We changed our residence moving from one location to another within the district" (19 EDR 419).

The following have been deemed to be reasonable:

- "I just moved into the district yesterday." In this situation, the parents have 30 days from moving into the district to request transportation (3635 Ed Law).
- "You have room on your bus and are already going to the location" (19 EDR 392).
- "It was not known until recently that my child requires special service" (20 EDR 259).

## State Agencies involved with Public Transportation

Three State agencies are directly involved with public transportation in New York.

The Department of Transportation is responsible for school bus construction standards, modifications to said standards, school bus inspections (every five to six months), and school bus accident investigations and hours of labor.

The Department of Motor Vehicles is responsible for vehicle and traffic laws which pertain to the operation of school buses, as well as laws which pertain to school bus driver qualifications.

The State Education Department is responsible for student school bus safety, school bus driver qualifications and training, district purchase and/or lease of school buses, contracts and contractual processing for districts who use private contractors or mass transit systems, and approval of school bus routes.

An index of New York State laws and regulations affecting pupil transportation is located in the attached Appendix.

## Types of Pupil Transportation in New York

There are basically four types of pupil transportation operations in New York.

The first is a school district-operated program. This type accounts for approximately 50% ownership of the total school bus fleet and derives its existence from local taxpayers. Local taxpayers must approve the construction of garage/maintenance facilities as well as the purchase of any school bus covered under the provisions of Section 1709 paragraph (25)(a) of the Education Law.

Another type, representing the ownership of the remaining 50% of the State's school bus fleet, is contract transportation. According to the provision of Section 305(14) of the Education Law and Part 156.1 of the Rules and Regulations of the Commissioner of Education, districts may contract for pupil transportation services. School bus contractors have long provided services to many schools in New York and are members of both State and National School Bus Contractors Professional Associations.

While some transportation programs are 100% district-operated and others are 100% contract-operated, there are many districts who mix both district-owned equipment and contractor-provided equipment to transport children to and from school each day.

Another form of pupil transportation in New York which is responsible for the daily transportation of between 300,000 and 400,000 pupils is the State's Mass Transit (bus, train and subway) System.

A fourth type of transportation operation is primarily a management system authorized by paragraph 27 of Section 1709 of the Education Law. Authorized in 1974 by Chapter 269 of the Laws of 1974, this system permits an outside contractor or management specialist to bid for the takeover of the district's transportation assets. During the term of the contract the contractor actually runs the program as if it were the district itself. Should the contract ever terminate, the district would receive its assets from the contractor and proceed to operate its own program. The merits of such a program can be argued in the positive and negative and certainly deserve strong consideration by all parties concerned before implementation.

## Vehicle Types

There are many manufacturers and many different chassis and body combinations when considering school bus purchases.

The State of New York, Office of General Services, offers a State contract each year for those desirous of purchasing a school bus.

When purchasing a school bus a district should apply "life cycle" costing principles in determining what vehicle will serve the district best, not rely on terms of economy, but safety as well.

The choices are many and varied, ranging from gasoline-powered buses to those powered by diesel, CNG or LPG. The typical diesel-powered school bus (used in over 150 school districts in New York) is capable of operating at 80-100% more efficiency than a gasoline-powered unit, requires less maintenance, less down time for repairs, and has a somewhat longer life than the comparable gasoline-powered unit. Diesel fuel is also less volatile and, therefore, safer than gasoline fuel.

## Student Safety

The major test of all pupil transportation professionals is to provide, above all other things, safe transportation to the students being transported.

Statistics from the National Safety Council for 1984 show the school bus to be the safest mode of travel of all modes available, including the airlines. Travelling by school bus is 5 times safer than travelling by plane, it is 44 times safer than travelling in the family car.

Accidents do happen, however, and districts must have a strong accident prevention program if they are to avoid the terrible tragedy sometimes associated with a school bus accident.

A district accident prevention program needs to be directed at:

- the children who ride to and from school each day;
- the drivers who drive the children to and from school each day;
- the community who must interact with the drivers and students each day; and
- members of the teaching and administrative staff who are charged with the responsibility of safety education.

When planning an appropriate safety program, consider the following statistical data concerning New York State's School Bus Fatalities from January 1960 to September 1, 1985 and related recommendations:

## NEW YORK TRANSPORTATION FATALITIES
4/6/60 To 2/21/85

Of the 83 fatalities from 4/6/60 to 2/21/85:

- 37 girls 47 boys — The pattern suggests males and females are equally susceptible to fatalities.

- 4-8 year olds are involved in 54% of the fatalities
  - add 9 and 10 year olds and the percent is 63%

- 70 of the 83 fatalities (84%) have occurred outside the bus as follows:

| | | |
|---|---|---|
| . | 46 by child's own bus | 55% |
| . | 23 by passing motorist | 28% |
| . | 1 by another bus | 1% |

- Of the 47 children above who were fatally injured by a school bus:
  - 32 of 46 or 70% were in grades K-2 (one grade unknown)
  - 40 of 46 or 87% were in grades K-3 (one age unknown)
  - 23 were males and 24 were females
  - The months in order of most to least in which the fatality occurred were: January (12), February (7), March and April (6), October (5), May and December (4), November (2), June (1), September (0).

- 13 of 83 (16%) have occurred inside the bus as follows:

| | | | |
|---|---|---|---|
| . | 5 | Bus/Train collision | 6% |
| . | 3 | Bus drove off road | 4% |
| . | 3 | Bus collision with another vehicle | 4% |
| . | 2 | Students heads outside bus window | 2% |

- 33 of 39 (85%) of the fatalities occurred on the trip home;

- 6 of 39 (15) of the fatalities occurred on the trip to school.

- 44 of 83 are identified as unknown with respect to the activity engaged in at that time of the fatality. In all probability, however, the greatest majority of these fatalities also occurred on the p.m. trip home. There is no reason to suspect otherwise.

- 55% of the fatalities occurred in the months of January, February and March. Another 14% (for a total of 69%) occurred in May. 76% January-May. In order of most to least: January (23%) March (22%) May (14%) February and October (10%) December (8%) April (7%) November (4%) September and June (1%).

- New York data does not indicate the weather conditions of the time of the fatality but national statistics show that the greatest number occur on clear, bright, sunny days (and New York's statistics follow those at the national level).

- 70 fatalities occurred from 1960-76 or 4.1 per year. From 1976-85 only 13 fatalities occurred or 1.4 per year. This represents a 66% reduction in the average yearly fatalities.

What does all this mean? It means our students and drivers must be made aware of certain characteristics that are most likely to lead to a fatality.

Armed with the following knowledge, it is hoped that the fatality is less likely to occur:

- 4-10 year old boys and girls are highly susceptible to a fatality during the p.m. trip home especially during the months of January through May.

Corrective Action Required:

- Education, education and more education. This age group must be educated to the dangers of riding a school bus. Their awareness and retention levels must be raised by more frequent bus safety instruction. It is also recommended that the following procedures be observed and incorporated into student school bus safety programs:
- Post information concerning school bus safety on the front inside of each bus (just over the front window). This is the most highly visible area of the bus for the students to observe this critical life saving message as they ride home and as they walk to the front of the bus to exit. No other area inside the bus affords this visibility.
- Post the same information in close proximity of the classroom exit to afford visibility while exiting the classroom in preparation for the return trip home.
- Drivers should emphasize the location of the crossing poster and repeat the message as follows:
    - One per month during the first five school days of each month for grades K-6
    - One as follows for grades 7-12
        - 1st week of school
        - 2nd week of November
        - first five school days of January
        - first five school days of March
        - first five school days of May

Emphasize to students the importance of looking both ways as they cross the road. Flashing red lights do not always cause motorists to stop. If they see an oncoming vehicle, educate them to return to the protection of the bus in the shortest line of travel available to them.

Encourage all students to carry their belongings in a knapsack that is secured to their back. This will eliminate the possibility of a student who has stopped to pick up a dropped object (including a gym bag carried in one's hand) from being run over by his/her own bus. This is especially important for the 4-10 year olds.

Transportation Supervisors and those in charge of routing buses must:

1) Attempt to route all buses so as to eliminate the need for a child to cross the road.
2) When crossing a road is absolutely necessary:
    a) Identify all "crossers" on the driver's student list. This is critical information for the regular driver at the beginning of school and for all substitute drivers during the year.
    b) Avoid discharging children at points that result in the children walking back along the side of the bus and to the rear of the bus. These children can slip or fall under the bus and possibly be run over.
    c) Drop all passengers off after the following maneuvers, not before:
        - Backing a bus to turn around.
        - Making a right turn. If the reverse is done, the children are exposed to the danger zones of the bus longer than they need to be.

While our safety record is an enviable one, we cannot rest on our laurels when the "rest" can result in student fatalities. We have come a long way but the years ahead tell us we have a long, long way to go.

## The Importance of Transportation Policy

Board Policy is important for two reasons:

1. In the absence of laws or agency rules and regulations, policy has the "effect of law". It is relied upon in court cases when interpreting district actions and/or intent.
2. It serves as the "rule book" for administrators charged with the administration of the district. Policy statements serve as the basis for developing operating procedures. Policy is the adhesive of consistency in decision making. It enables administrators to function without calling a meeting of the board of education every time a decision has to be made. Policy strengthens a district by providing the basis for safety, efficiency and economy of operation.

Without transportation policy, district safety and efficiency is undermined. If administrators lack direction concerning various matters associated with operational procedures, decisions cannot be made without a great deal of debate and high utilization of time. Soon, the community recognizes the lack of administrative direction and much credibility between the school and the community is lost. The next step is to bypass the district's administrative level in favor of direct communication with the board of education, which is the policy making body of the district. This is not cost effective, since boards of education receive no salary, while administrative expenses for most districts are considerable.

The dictionary defines policy as, "a high level all encompassing plan embracing the general goals and acceptable procedures, especially of a governmental body". In other words, it is the road map used to formulate specific procedures needed to attain the goals of a management group, such as a board of education. The lack of a transportation policy, accompanied by administrative turnover, will invariably result in chaos. Inconsistency in decisions will be the norm; cries of, "you're discriminating against me", will echo daily. Costly, time consuming lawsuits will be the order of the day. Board of education transportation policies are critical in preventing this; they should be precise and in writing. Topics include, but are not necessarily limited to:

- A statement of philosophy.
  - Explain why you have a pupil transportation program.
  - Define the district's goal in providing this.
- A description of the types of transportation that will be provided.
  - To and from school
  - Field trips
  - Weekend trips
  - Evening trips
  - Public school service only
  - Nonhandicapped children only
  - Adult passengers with pupils
- Days of service.
  - Monday — Friday
  - Saturdays and/or Sundays
  - Legal holidays
  - Days when public schools are closed, but nonpublic schools are in session
- Eligibility.
  - Who qualifies?
  - What distance is covered?
  - Is eligibility based on distance, hazard, or both?
  - Is pupil age a factor?
  - What are the points of measurement used in determining eligibility?
- Routing.
  - Who is responsible?
  - Manual or computer developed?

- Are maps required?
- What limitations exist?
- What measurement points are used in determining eligibility?
- What about loading and unloading on major highways? Will we use side roads, private roads, deadend roads, unpaved roads, etc.? Will we permit standees?
- Will we impose mileage and/or time restrictions?
- Can we utilize multiple trip scheduling?
- What are the conditions necessary if buses are allowed to back up?

— School starting and ending times.

- What effect do they have on transportation?
- Are they conducive to an efficient transportation and educational program?

— Administrative responsibilities.

- What are the specific responsibilities of the chief school officer, the building principal, the school business official, and the transportation director?

— Accident procedures.

- Who is responsible for a plan of action?
- How will community safety teams be alerted and deployed?
- What are the roles of school personnel, parents and safety teams?
- Who is responsible for accident data collection, analysis and follow-up?

— Purchasing.

- How are goods and services procured?
- Are inventories required?
- To what extent are records required?
- Do we bid locally, utilize state contracts, or cooperatively purchase with other districts or the county?

— Vehicles.

- Is there a formal preventive maintenance program?
- How are vehicles housed?
- What security is provided?
- Are there local and/or state inspections?
- Are they conducted on a periodic basis?
- When is a vehicle ready for replacement?
- What records are required on each vehicle?

  - For what purpose?
  - Will records show costs for labor and materials as well as hours required for maintenance?
  - How many spare vehicles are enough?
  - Do we operate the vehicles efficiently in terms of fuel economy?
  - Are fuel consumption records desirable?
- Contract transportation and/or the use of charter buses.
  - Who will administer the contract and charter program?
  - Can anyone order a bus?
  - When will these buses be used?
  - Do we have specific qualifications for the contractor, vehicles, drivers, distances traveled, out-of-state travel, use of out-of-state contractors?
  - Do we have good specifications and/or contract requirements?
  - Are there penalties for non-conformance?
  - Is a safety and training program required?
  - How are service complaints handled?
  - Are tachographs necessary?
  - How are accidents reported?
  - On what days will service be provided?
  - Whose children are the contractors authorized to transport?
  - Does a duty statement exist for chaperones?
- Special transportation.
  - Define "special"
  - Is the authorization or requirement to provide special transportation the result of board policy, state and/or federal law?
  - Should special transportation be provided by contract or the school district?
  - Are the safety requirements different from those specified for regular transportation?
  - What limitations are imposed on the numbers of pupils transported, the distance travelled, or time on the bus?
  - Are there special considerations for insurance coverage?
  - Are employee responsibilities different from those required in regular transportation?
- Accounting requirements.
  - Do we want financial as well as pupil record keeping?
  - What specific data are necessary?

- Must we know expense per mile, per bus and per pupil?
- Define "expense".
- What should be reported in the annual report to the board?

— Insurance.

- What is the acceptable minimum coverage?
- What types of coverage do we require — public liability, collision, comprehensive, property damage, single limit, umbrella, owned auto, hired auto, specific perils, out-of-state travel?
- Is an annual loss analysis necessary?
- Should safety audits be performed regularly?
- Shall we purchase through local bid, private negotiations, or cooperative bid with other agencies, municipalities, etc.?

— Personnel.

- Is an organization chart necessary?
- What will be the management structure?
- Will employees receive inservice education?
- How will regular and overtime hours be controlled?
- What records will be maintained? Will physicals be required? If so, when and how often?
- Will there be a need for an office? Where, what size?
- How will communications with employees be handled?
- Will the manager be a part of the administrative team?
- Will meetings with the employees be required? If so, when and how often?
- Are job specifications and descriptions necessary?
- Will formal employee evaluations be conducted? If so, when and how often?
- What aspects of their work will be evaluated?
- Will programs be offered to train those not achieving minimum work standards?

— Safety.

- If pupils cross the highway, is there a recommended procedure?
- How will objects be carried to and from the bus?
- What objects will be allowed on the bus?
- Are there rules and regulations for safe bus riding?
- Are pupils given classroom instructions in bus safety?

- Are drivers trained in the process of transporting pupils?
- Is driver training necessary?
- What safety equipment will be required on all buses?
- Is accident data collected and analyzed with appropriate recommendations and follow-up required?
- Are "near miss" incident reports required and analyzed?

— Maintenance.

- Is there a recommended number of mechanics per vehicle?
- Will maintenance be in-house, contract or both?
- Will records be required? If so, what kind and how often?
- What types of data will be recorded?
- Will preventive maintenance be required?
- Is bus washing critical? If so, when and how often?

— Garage.

- What are adequate construction standards?
- What standards of cleanliness, organization and security are expected?
- What are the requirements for heating, lighting and ventilation?
- Is a parts room desirable?
- Should the parts room contain cold storage, warm storage, or both?
- Are meeting rooms and lunch rooms necessary? Will there be problems without them?
- What is the most efficient fuel for heating?

— Energy conservation.

- Should we have a formal energy conservation program or policy?
- What are the desirable steps for conserving energy?
- Can energy be conserved without reducing service?
- What is the minimum level of service desired?
- Are plans available if the fuel supply is reduced?
- What services will be given priority status?

— Students rules and regulations.

- What behavior is expected from students? What course of action will be taken against violators? Does the action violate anyone's rights?
- Do rules for classroom suspension and/or expulsion apply equally to bus riders?
- Is there a consideration for due process?

## Policy Considerations Regarding Access to School Transportation

There is a common misconception concerning the riding of school buses; that is, "riding the school bus is a privilege; it can be taken away". For most children, transportation is a right granted to them under law or taxpayer approval. Those children in grades K-8 and 9-12 who live more than two and three miles respectively from their school of legal attendance are entitled to transportation according to the provisions of Section 3635 of the Education Law. Transportation for distances less than two and three miles may be provided but only with voter authorization (16 EDR 393). The fact that it is a right, however, does not deny the district the right to withdraw the service from pupils who are jeopardizing the lives and welfare of other passengers or destroying school property. The question of how long it may be withdrawn is clarified in the Matter of Teri Roach, Case Number 10176, January 29, 1980 (19 EDR 377). The student in question confessed in writing to ripping a seat with a pocket knife. The district required a meeting with the parents before restoring transportation; the meeting was never held and the transportation was never granted. The decision contained the following important points:

1. In order to ensure student safety, a board of education may regulate the conduct of students being transported by the school district. The method of discipline is largely within the discretion of the board of education (Matter of Cuffee, 7 Ed. Dept. Reg. 60), and neither the procedure nor the sanction will be overturned absent a showing that the board of education has acted illegally, has abused its discretion, or has imposed a penalty disproportionate to the offense.
2. "...Section 3214(3) applies only to suspension from instruction, petitioner's son is not entitled to the protection of that statute with regard to the suspension of transportation services".
3. "...whatever procedure is adopted by respondent must be basically fair, granting to the student and the person in parental relation to him an opportunity to appear informally before the person or body authorized to impose discipline and to discuss the factual situation underlying the threatened disciplinary action."

   (Matter of O'Connor vs. Board of Education of Central School District No. 1 of the Village of Ilion, 65 Misc. 2d40, 43 Supreme Ct. Herkimer Co. 1970).
4. "Before a student may be disciplined, there must be some conduct which serves as a predicate for the imposition of discipline; and there must be a reasonable degree of certainty that the pupil was the perpetrator of, or otherwise participated in such conduct".

   (Matter of Port, 9 Ed. Dept. Rep. 107, 110).
5. "...there is no requirement that a pupil be accompanied by his parent or attorney when responding to questions by school authorities."

Taking the aforementioned into consideration in developing policy as it relates to the transportation program should result in a basis for an efficient, economical, and safe transportation system.

# APPENDIX

# NEW YORK STATE LAWS AND REGULATIONS AFFECTING PUPIL TRANSPORTATION

| | Section | | Topic |
|---|---|---|---|
| | 305(14)(a) | | Transportation Contracts |
| | 305(14)(a) | | Contract Extension |
| | 305(14)(b) | | Emergency Contract |
| | 310 | | Appeals Before the Commissioner |
| | 1106 | | County Voc. Ed. and Extension Boards |
| | 1502 | | Leasing Buses to Outside Organizations |
| | 1505 | | Transportation When District Dissolved |
| Education Law | 1604 | (23) | Five Year Contract |
| | 1709 | (25)(a) | Voter Authorization to Purchase Buses |
| | | (25)(c) | Leasing Buses to Outside Organizations |
| | | (27) | Leasing of Garage & Maintenance Facilities |
| | 1718 | (2) | Gifts Used for Specific Purpose |
| | 1807 | | Remoteness |
| | 1907 | | Central High School Districts |
| | 1950 | (4)(g) | BOCES Authority to Contract With District for Pupil Transport |
| | 2040 | | Case Notes - Contract School Districts |
| | 2045 | (2) | Vocational School Transportation |
| | 2503 | (11 and 12) | Powers & Duties of B/E & Case Notes |
| | 2554 | (19) | City B/E - Power to Enter Into Transportation Contracts |
| | 3202 | | Age Eligibility and Veterans |
| | 3602 | (7) | State Aid |
| | 3602 | (c)(4) | Dual Enrollment & Gifted |
| | 3603 | | Determining Residency |
| | 3621 | (1) | School District Defined |
| Education Law | | (2) | Quota Pupil Defined |
| | | (3) | Route Defined |
| | | (4) | Daily Mileage Defined |
| | | (5) | Annual Mileage Defined |
| | | (7) | School Bus Defined (also Sec. 142 V/T law) |

## NEW YORK STATE LAWS AND REGULATIONS AFFECTING PUPIL TRANSPORTATION

| Section | | Topic |
|---|---|---|
| 3622 | | Commissioner's Approval of Routing |
| 3623 | | Approval of School Buses & Drills on Same |
| 3624 | | Approval of Drivers - Chief School Officer's Responsibility |
| 3625 | | Consent to Audit Contract Records 30-day Filing |
| 3626 | | See 8 N.Y.C.R.R. 156.1 - Approval of Contracts, etc. |
| 3627 | | State Aid - General |
| 3635 | (1) | Basic Eligibility (2-3 miles)<br>Less Than 2-3 Miles<br>City District Requirements<br>Cities With Populations of More Than 250,000 but Less than 300,000<br>Door to Door |
| | (2) | Request for Transportation to Bd. of Ed. April 1st<br>Late Request<br>Right of Appeal to Comm. of Ed. According to Sec. 310 Ed. Law |
| 3636 | | Railroad Crossing |
| 4105 | (3) | Transportation of Native Americans |
| 4400-4404 | | Students with Handicapping Conditions |

Sections governing regional transportation agreements 1709 (25)(g), 3621(2), 3627 (9)(13), 3602 (7)(b), 1950 (4)(q), and 4401(4).

| | | |
|---|---|---|
| General Municipal Law | 119-0<br>103 | Cooperative Bid<br>Thresholds $5,000 and $7,000 passed on July 15, 1985 |
| Local Finance Law | 21-29<br>41 | Terms and conditions for borrowing money i.e. borrowing to purchase school buses, etc. |

## NEW YORK STATE LAWS AND REGULATIONS AFFECTING PUPIL TRANSPORTATION

Others:

| | |
|---|---|
| - Vehicle and Traffic Law | |
| - Transportation Law | |
| - Regulations of Commissioners | |
| . Commissioner of Education | 8 NYCRR 156.1 - 156.9 |
| . Commissioner of Motor Vehicles | 15 NYCRR 6, 46, 70 |
| . Commissioner of Transportation | 17 NYCRR 720-723 |
| - Decisions | |
| . Commissioner of Education | |
| . Comptroller | |

NOTE: Due to changes, additions and deletions in law, this listing should not be considered all inclusive. If your subject matter does not appear on this list, further research into your subject is required.

REGULATIONS:

| | | |
|---|---|---|
| Education - | 8 NYCRR, Part 156 | Pupil Transportation |
| Motor Vehicle | 15 NYCRR, Part 6 | Special Requirements for Bus Drivers |
| | 15 NYCRR, Part 46 | School Bus Equipment |
| | 15 NYCRR, Part 70 | Warning Signs - Hydrocarbon Gas as Fuel |
| D.O.T. | 17 NYCRR, Part 720 | Standards for Vehicles with Not More Than 22 Passenger Seating Capacities |
| | 17 NYCRR, Part 721 | More Than 22 Passengers |
| | 17 NYCRR, Part 722 | Report of Accidents |
| | 17 NYCRR, Part 723 | Hours of Labor |

# School-Government Relationships

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# RELATIONS WITH LOCAL GOVERNMENT

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## Introduction

Although there has been a significant change in the involvement of both the federal and state governments in the operation and management of public education in this country, the most critical governmental interaction for the school administrator is still at the local level. That is true because it is the attitude and opinion of the local government concerning the management of the public schools within the community that sets the tone, the tenor, and sometimes even the tenure for the school administrator (Cahill and Hencley, 1974). Unfortunately, there is very little information available on how to establish a process to control relations with local government (Campbell et al, 1975).

The reason for such a professional void in this aspect of school administration is undoubtedly the anachronistic attitude that the administration of the public school system must be kept separate from the operation of government; that school administrators should not become involved in governmental activities; and that locally elected public officials should not interfere in the operation of the school system (Iannaccone, 1967). Nothing could be further from reality. The public schools within any community, whether a large urban area or a small suburban setting, are very much a part of the local governmental structure, officially, informally, and most assuredly politically (Campbell et al, 1975). The effective school administrator recognizes that fact and further recognizes that the relations with local government must be managed and maintained, not only for the benefit of the community, but certainly for the benefit of the schools as well.

There is no formula, set of principles, or proven rules for working with the local governmental power base. However, the successful school administrator does know there are three very basic components in such a relationship. First and foremost, the school administrator must clearly understand the role of the local government in the management of the public schools, especially since that role has changed dramatically during the past several years. Secondly, a system to manage the ongoing crises of the district must be developed in order to provide sufficient time to effectively interact with that governmental structure (Knezevich, 1975). If such a system is not developed, the local government itself will step in and assume control over the schools because of the management void. Thirdly, and most importantly, after the school administrator understands how local government operates and establishes a system to work with it, it becomes necessary to develop strategies to control the relationships.

These three components constitute a simple process, but this is the most overlooked and neglected process in the management of public education in this country. Perhaps that is because there has not been sufficient recognition of the significance of each of these three components.

## UNDERSTANDING THE ROLE OF LOCAL GOVERNMENT

There have been three major reasons why the role of the local government in the operation and management of the public schools has changed during the past three and one half decades. One is a significant change in the organizational structure of local school districts, which has had a direct impact on relationships with local government. The second reason is the politicization of public education. The third is a basic change in the relationship among federal, state, and local governments in the governance of public education. If the school administrator is to understand the role of local government in public education, it is necessary to understand how each of these changes has affected that role.

### Organizational Structure of Local School Districts

There are several reasons why the organizational structure of local school districts has changed over the past several years, not the least of which has been declining enrollment. The number of school districts has been dramatically reduced since 1960 from 35,000 to approximately 16,000 (Campbell et al, 1975). This trend will undoubtedly continue as school facilities are underutilized and because other factors, such as deteriorating infrastructure, fiscal crises, overburdened property taxes, federal aid reductions, municipal overburden and increased technological costs, contribute to the demand for greater consolidation of school districts (Stoops, 1981).

In addition, the effort to integrate local school systems will establish more urban-suburban and metropolitan school districts in the country. Moreover, national studies of public education, focusing on the manner in which school districts should be organized to provide quality education, are also contributing to changes in the way districts are organized (Stoops, 1981).

It is to be noted that these changes in the organizational structure of local school districts have not been easily made. As a matter of fact, the states have been extremely reluctant to modify or reorganize local school districts even though they hold the ultimate power to do so (Campbell et al, 1975). State legislators are representative of the people, however, they have not been willing to institute such changes because it has been politically unpopular. This hesitancy to change has existed although the organizational pattern of local school districts has outlived its usefulness. The reason for such hesitancy has clearly been the historical preference for local autonomy over public education, despite the fact that the local school district is a civil subdivision of the state empowered to fulfill the state responsibility for public education.

Because the local school district is a creation of the state, there is no national or unified pattern in the organizational structure of local school districts. Districts range from those established on a geographical basis, conforming to the organization of local government within the state, to educational purpose organizations such as secondary, elementary, or a combination of both. The result has been a very complex system of local school districts, not only between the states, but very often within a state as well. This is changing. It is changing for economic, integrative, and educational reasons, but also because the states have become so much more involved in the operation of the public schools. State reform programs and mandates are clearly moving toward a re-evaluation of the basic organization of public school systems. The growing trend is toward fewer districts with a greater representation and accountability role to the state.

The result of these changes in the organizational structure of local school districts will be a very basic change in the role of local government in the operation of public schools. The schools will simply be moved further and further away from governmental control. The community base will expand; funding patterns will change; local control will continue to erode. Of course, there are many who have regarded the concept of local control as a myth anyway (Campbell et al, 1975).

The impact on the school administrator will be profound. On the one hand, the structure of government with which the school administrator must interact is simply going to be larger. Another cast will be introduced into the company of school management. On the other hand, the demands of the local governmental unit will become greater, and perhaps even more organized as the control base is moved further away. This factor will contribute even more to an expansion of the role of politics in the operation of public schools (Wiles, Wiles, and Bondi, 1981).

## The Politicization of Public Education

Contrary to public opinion and perhaps even public preference, politics has always been involved in education, both in the political science definition of the word and in the most popular, partisan, and pervasive sense of the word (Iannaccone, 1967). The claims, demands, and assumptions that education and politics should be kept separate exist solely in the minds of the public, which is fearful of the intrusion of the American political system into the administration of public schools, contrary to the admonitions of the professional pedagogues (Sergiovanni, 1980).

Practicing school administrators are well aware of the political facts of their professional lives and have established a system to accommodate the relationship. Of particular interest, however, is the growing acknowledgement of the connection both professionally and publicly. Such recognition has made it possible for the preparation and training of school administrators to become more politically realistic, and that is a very positive change (Sergiovanni and Carver, 1980). Certainly, a school administrator who has been exposed and educated in the direction of activities and relationships among individuals, groups, or associations will be more effective. At least the administrator will have been presented with strategies, models, and approaches for the shifting and blending of the pressures influencing the operation of the public schools (Cahill and Hencley, 1964).

The politics of public education has become more openly accepted for many reasons. A listing of these reasons would be endless, but would include: the growing problem of inadequate funding; the growing demands on public schools for services and programs; vandalism; student discipline; community involvement; media focus; collective negotiations; technology and new curricula requirements; and, certainly, civil rights and affirmative action programs. All of these reasons, and scores more, comprise the catalyst for the national reform movement to improve public education in America. Perhaps it has been the search to find some segment of society in which to catalog and crystallize the problems in a very disturbed and disoriented world that has made American public schools very popular and very political arenas for review, research, and reorganization. Politicians at every level, from Washington to every domed state capitol and every seat of every local government in America, are participating and even orchestrating the debates and discussions on public education.

Make no mistake about it. Public education is an extremely controversial and political issue. It has become a plank of political platforms at all levels of government and it will undoubtedly remain there for the foreseeable future, at least for as long as the people choose to be concerned about their public schools. The politicians have responded to that concern on a more open, direct and involved basis and it is not likely that they will retrench for votes and political power bases.

The result of all this activity has been the politicization of public education and the development of far more active public and political participation of school administrators at the local level. The involvement of school administrators at the state and federal level has significantly increased with increases in mandates, regulations, funding, and program controversies. State and federal legislators have clearly become accustomed to lobbying, pressuring, and organized political activity of school administrators, both individually and collectively. That scenario has certainly not been set at the local level in anywhere near such intensity, but it is developing, if for no other reason than the fact that the state and national focus on public education is in and of itself becoming a local issue. Further, local politicians are simply not going to be publicly silent and work within the confines of the unofficial set of governmental relations with school administrators, while the "play" is being taken away at the state and federal levels.

The political role of school administrators is further exacerbated by the increased political role of school board members. The relationship between local politics and the school board has always been fluid, depending on the manner in which the board members are selected. Surely, in those districts where board members are appointed by the mayor, the public has usually been convinced that the school system was very highly political. That is probably more true now than before such overt political participation was publicly permissible. There was a time when mayors of large cities accepted shibboleth that politics should not be involved in the local schools and that such intrusion would result in political censure. Candidly, that is no longer true and in many of the largest cities of the nation, mayors have become the spokespersons for the school systems in almost every way -- from financial crises to educational program priorities. That would have been political anathema just a decade ago -- now it is a political necessity.

In those districts in which board members have traditionally been elected to office, there surely has been a barrier between the ballots cast politically and those cast for individuals who will set policy for the education of the children of the community (Campbell et al, 1975). That barrier is crumbling as political muscle, especially at the local level, is being substituted for the ineffectiveness or inability of the schools to obtain revenue; to maintain autonomy; to accommodate growing demands; and to solve the insolvable problems of an increasingly confused and contentious society (Mosher and Wagoner, 1978).

Perhaps the best evidence of this trend is the increasing number of candidates for membership on local Boards of Education who are running on a political party basis and who are being actively sponsored and funded by those parties. The implications for the school administrator of this phenomenon are awesome and further substantiate the need to establish effective relations with local government including the political power structure. That is even more critical in view of the changing role of the federal, state, and local governments in the ongoing administration of public education.

## The New Governance of Public Education

Public education in America has always, traditionally and protectively, been a state function administered locally. That is an absolute fact, not a pedagogical hypothesis or political accommodation. The authority for public education is the state, delegated to local school districts for operation, administration and implementation. Constitutionally, the power of the state is absolute. Historically, the practical power for the control of public education has been at the local level. Until now!

The shift in the balance of power toward the state and away from both the federal and local levels is not only an accomplished fact but probably an irreversible one (Guthrie, 1980). As a result of the dramatic, if not traumatic, changes which have occurred in federal funding of local and state programs, revenue sharing, and social and human services, the states have acquired more authority and influence over local activities including the operation of public schools (Sergiovanni, 1980). It has been a pervasive, prevailing, and persistent trend, but it is clearly compelling in terms of the direct impact on the school administrator and relations with local government.

The pendulum has swung far away from the balance of a coalition of control among the federal, state, and local governments. It is clearly leaning toward the pull of the state, and the local administrator is left hanging in a very precarious balance. The significance of this changing balance of power is impossible to overestimate, but it is very clear that there will be a continuing and consolidating centralization of state control over public education in the future (Wirt, 1983). Surely, the professional literature and professional opinion, as represented by conference topics, debate issues, workshops and seminars, would tend to confirm that there is a new political power base in control of public education (Guthrie, 1983). Surely the avalanche of mandates, rules, regulations, and accountability systems pouring out of state legislatures, transformed into educationese by state education departments and transmitted to local education agencies, stand as testimony to this "takeover" trend. (Useem and Useem, 1974). Surely the increased local political activity on school issues substantiates the transfer of power from a locally controlled base to the state, as fear of censure for involvement in school affairs is no longer an intimidation, let alone a hindrance.

It is somewhat of a paradox that the increased involvement of school administrators, at both the state and federal levels of government has exacerbated their relations with local government. There can be little doubt that school administrators are directly and overtly reacting to the federal and state governments by organizing, lobbying, and campaigning for or against, mostly against, the state and national reform movements designed to improve public education. However, it is this attention that has made public education a popular topic of discussion and political controversy at the local level. It is now acceptable, if not expected, for locally elected public officials to openly campaign on educational issues, but all too frequently school administrators are not prepared to react to such a drastic change by local government in the administration of the public schools. They had better become prepared, since locally elected officials are becoming more involved in the operation of the public schools because it is politically advantageous (Useem and Useem, 1974). They no longer must stand behind the sacrosanct separation of schools and politics for one very important reason. The separation no longer exists because the state has moved in and taken over.

## ESTABLISHING A SYSTEM TO MANAGE CRISIS

Compounding the change in the role of local government in the operation of public schools has been a phenomenal alteration in the basic function of school administration. Certainly, the traditional concerns of curriculum, program development, student management, and administrative control still prevail and demand the best of our efforts to provide quality education. However, there has been a significant increase in the amount of time and effort demanded for the management of crisis in the operation of our public schools (Knezevich, 1975).

Unfortunately, many school administrators have failed to establish an effective system to address sources of pressure which limit management of the controversy and crisis in schools. As a result, the local government structure has become more of a resource and active agent of community pressures as school administrators are unable to respond directly to special interest groups or legitimate school-based groups. There can be no question that the responsibility for the establishment of a system to manage crisis in the public schools rests with the superintendent of schools. Consequently, this section, as well as the following one, which pertains to the development of strategies for effective relations with local government, focuses on the role of the superintendent.

Paradoxically, it is the very attempt by superintendents to close the schoolhouse doors on crisis that has opened up city hall and village offices discussions of previously identified school issues. If the superintendent does not control the growing problems in the operation of the local schools, the mayor, manager, councilpersons, county legislators, or village supervisors will. They will do so because their constituencies demand attention and seek solutions regardless of whether the solutions exist or not. More importantly, the local governmental power structure will do so because its involvement brings public exposure and fosters awareness of its leadership role in the management of community concerns.

The problem is that the profession of school administration is not prepared, equipped, or committed to accommodate the increasing demands of crisis management (Smith, Mazzarella and Piele, 1981). The causes of this situation are varied, but a major one is the failure of the profession to recognize the degree to which crisis management has become an integral component of the administration of educational programs and activities in this nation. On the contrary, the morning line of lament in any school administrative office concerns the constant interference in the operation of the instructional program from an increasing number of sources. The sources may differ in kind, in intensity, and in significance, but there is no question that school administrators at every level are united in their criticism of the inordinate amount of time required to manage crisis.

This complaint is a contradiction, in survival as well as purpose. Superintendents will only be able to devote time to program and to basic operational concerns when they have mastered the nuances and the nuisances of crisis management. Clearly, that will not occur until such time as the profession of school administration recognizes that a system must be established to manage effectively the interference in the daily operation and administration of the program (Griffiths, 1966).

Simply stated, the degree to which we complain and challenge the existence of crisis is the degree to which we shall not administer the daily program of instruction and the degree to which we shall lose control over the management of the schools to other local governmental units. We must master the art of managing crisis in order to be set free to run our systems and our schools as we know how to administer them — as professionals committed to the provision of quality education for every child. We simply must accept the fact that school administration is crisis management. Only then will we be able to improve program and maintain administrative control, because only then will we be able to manage our time and our efforts to do so. The first step is to identify the crisis points.

Currently, there are at least ten separate sources of potential crises impacting on school administration, each of which has a relationship with local government, direct or indirect, active or potential:

1. The Board of Education -- with its ever changing role, structure, motivation, agenda, and composition;
2. The Media — with its increasing attention and influence on the operation of schools and the measuring of effectiveness;
3. The Community — with its demands for participation, and its growing need for input/output, reordering, and reprioritizing;
4. The Budget — with its constant shortfalls and deficits;
5. The Political Organization -- with the new-found legislative and executive takeover of educational programs, personnel, and priorities and the opportunity for direct access to the public;
6. Integration — with the continuing failure of everyone to find workable remedies for the successful remediation of racial imbalance;

7. Washington -- with its unrelentless rollback of adequate funding at the national level, in stark contrast to the message of the plethora of national studies on the status of education;
8. Staff — with the growing and alarming need for retooling, retraining, and redevelopment of an aging faculty;
9. The State — with the inexorable centralization of program control through mandated regulations at every level of administration;
10. The Employee Organizations -- with their continued erosion of management prerogatives.

These crisis points are each targeted directly at the office of the superintendent; they pass through the chain of command from the classroom teacher to the assistant principal, to the principal, to the central office staff, and sometimes even through the secretarial staff within the office of the superintendency. However, their ultimate impact is on the superintendency. There may be others, and certainly not all of these are equally important in each district, but surely each is present to some degree in every school district in the country. Each is potentially volatile and each can create the type of exigency that will further erode the authority and control of the superintendency. If they are not managed by the administration, they surely will be accommodated by local government. An effective strategy for the management of crisis centers on the establishment of both short-term and long-term remedies, not one of which is unique, original or profound. However, they are basic approaches to conflict management. Too often they are overlooked during the emergence of a crisis.

### Short-Term Remedies for the Management of Crisis

First, the crisis must be appropriately staffed. It is absolutely essential to bring together the best minds available from the very onset of the crisis. Too many administrators operate much too close to the vest. It is absolutely unfair to work through the beginning stages of what may escalate to an emergency status alone, and then call for a meeting of close advisors or cabinet or planning staff, or whatever, and expect to receive reasonable, well-founded, and analytical advice. Staff must have the benefit of working through the alternatives from the very onset. They must know and understand the nuances; they must hear your thinking; and you must have the benefit of their argument, debate, decisions, and disagreement. Each opinion will trigger another and will stimulate recommendations for resolutions. Of course, you must be prepared and aware of the strengths and weaknesses of the individual members of your staff; choose the right people for the right crises; and alert them to your thinking process in order to benefit from the very best of theirs (Lane, Corwin and Monahan, 1966).

Secondly, the Board of Education must be kept informed at all times. Just as in the development of staff opinion, you cannot expect the Board of Education to stand behind a recommendation which you have thought out in detail and over which you have agonized each step of the way, if they have not been involved. You must recognize that the Board of Education is legally a policy-making agency and, in spite of your questions about the competency or motivation of some of its members, the fact remains that it stands in service to the school community and to you.

Thirdly, the media must be involved. Although many superintendents maintain an arm's length with the media, especially in times of adversity, the opposite approach is more effective. Members of the media should be completely informed from the onset of a crisis confronting the schools. They appreciate the lead time and with few exceptions, off-the-record briefings will be respected and the coverage will generally be objective and "fair". Concise press releases should be prepared and management information reports and other techniques of communications, including courtesy phone calls and follow-up contacts, provided routinely. The press should be treated with dignity and respect. Coffee should be provided, electricians should be available to accommodate electronic problems. Telephones should be accessible. In addition, the superintendent should call various members of the media, both pencil and electronic reporters, and ask for their opinions on various problems which are surfacing. Their advice is generally good and can contribute to the establishment of an effective relationship between the school district and the press which cover the "education beat".

Fourthly, it is absolutely impossible to manage crises effectively without a strong core of community support. There are extremes within every community and efforts must always be made to accommodate these viewpoints. Every attempt must be made to reason, to mollify, to co-opt and to convert. Usually that is not possible, but what is possible is to create a moderate cadre of informed citizens who will serve as communicators of the administrative point of view. This takes time and patience and perseverance, but it is necessary if not essential.

Of course, there are other rules of the road, but these four, short-term remedies comprise a basic survival kit for school administrators. That does not negate the proven management approach of adequate planning: the establishment of priorities, good time management, and effective personality and leadership style. Those are all important, but if you establish a process by which you can receive the best possible briefing, keep the Board of Education informed, maintain coordination with the media, and build a community support base, you will at least have one foot on the starting block when the cannon goes off.

Many of the emergencies and the crises can and should be stopped at this point. There are, of course, other immediate remedies such as the development of skills in the areas of communication, public relations, community involvement, and certainly Board/Superintendent relations. In addition, it almost is superfluous to emphasize the incredible importance of good organization so that the potential eruption of crisis can be identified, tracked, and hopefully prevented. That centers on constant communication with the staff and with the community. It centers on a well organized and daily listing of activities, of concerns, and scheduling. The concept of the superwoman or superman notwithstanding, there must be thinking time, planning time and, most importantly, the recognition that no calendar can be filled from morning to evening and appointments kept and met.

Candidly, the immediate remedy for the overall control and accommodation of crises revolves around the recognition on the part of the chief administrator that the ongoing daily operation is going to be interrupted and appropriate time scheduled for such interruptions. That means that the primary responsibility of the chief administrative officer is to develop competent staff, encourage their independence, hone their sense of good judgment, and then lengthen the administrative leash.

## Long-Term Remedies for the Management of Crisis

First and foremost, the preparation of the school superintendent must be dramatically altered. There must be far greater emphasis on the development of techniques necessary for the management of crisis. These include, but are not limited to, public relations skills, emergency behavior, media control, problem solving, politics, and protest control. Most importantly, the effective administrator needs to be better prepared in leadership training skills and to learn more about recognizing and developing potential managers among the staff. School superintendents must learn more about fostering of good judgment among staff, for that, more than any other administrative trait can and will reduce the incidence of crises. Most of the crises which reach our offices should never have been started, but should have been stopped long before they reached our desks.

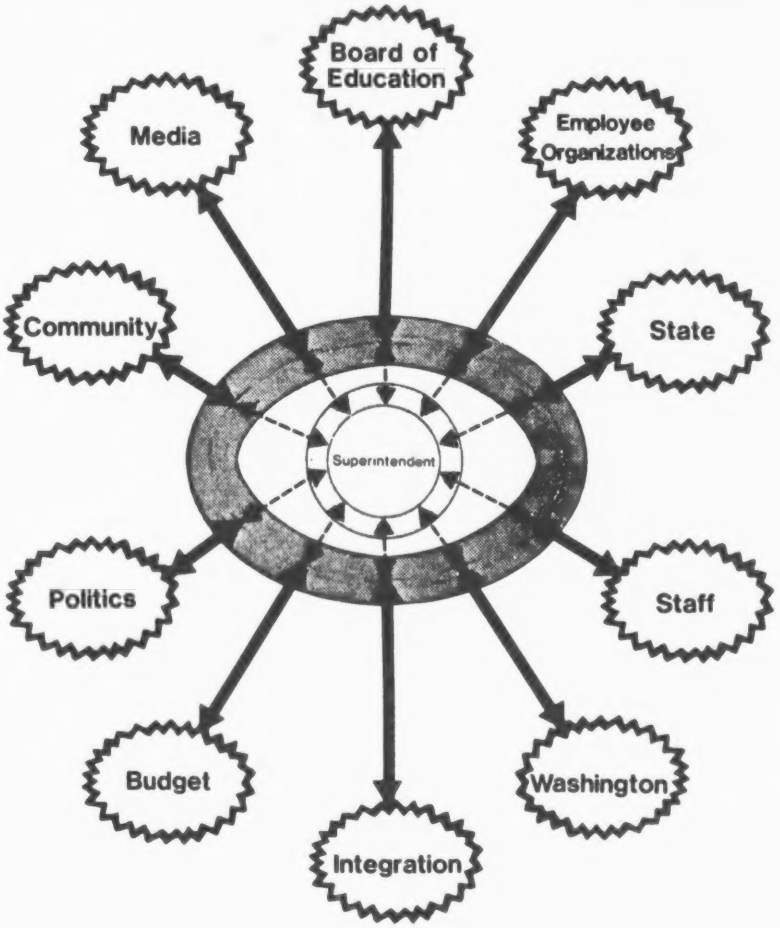
The universities simply must prepare potential superintendents for online duty in areas that were never considered appropriate before. They must be prepared to handle political causes and protest movements. The key word will always be judgment, but the naivete which still exists within the profession as to what is the role of a school administrator defies comment. We must be the movers, we must be the developers of public opinion, and we must take the offensive for the development of strategies and programs that previously were not initiated within the schoolhouse structure. Clearly, the long term remedy for the management of crisis focuses on a totally different approach to the preparation of administrators within our profession. The school administrator who has not received such preparation would do well to begin an active and meaningful retraining program — and the sooner the better.

The structure of the superintendency must be changed. Perhaps it is time for the profession to recognize that the superintendent must function more as a Chairman of the Board, with a designated president responsible for the daily operation of the system (Griffiths, 1966). Although policy must rest with the Board of Education, the superintendent must be responsible for administrative policy-making, which includes developing appropriate mechanisms for the ongoing management of instruction, of program, of publicity, of personnel, of plant, and of all the other tremendous pressure concerns. But the public, as well as the Board of Education, must clearly look to the president of the company for the administration and regard that individual as the policymaker for the ongoing administration of the system. The concept is probably already established, but the demands and pressures of everyday crisis still moves toward the superintendent's office. That must be changed.

Superintendents must change their own attitudes and reestablish professional control over public education. Although we are besieged with censure and criticism amidst the growing national concern for public education, our attitude and our response must be based on the strength of our conviction that we are professionals. We hold the expertise and the experience to manage, and effectively manage, education in the country. We simply cannot permit the constant crush of crisis to obliterate that fact, either publicly or privately.

These three long term remedies: preparation, role modification, and attitude, coupled with the four short-term remedies, constitute a viable model for the management of crisis in the administration of public schools. It may not constitute a total solution, but the use of such a model can permit the effective school administrator to concentrate on policy and, most importantly, maintain control over crisis and avoid the usurpation of administrative control by other governmental units within the community.

# MANAGEMENT OF CRISIS


Board of Education
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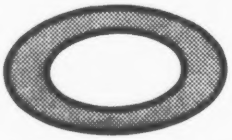
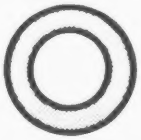
Employee Organizations
Community
State
Superintendent
Politics
Staff
Budget
Washington
Integration



SHORT-TERM REMEDIES

1. Staff the Crisis
2. Inform the Board of Education
3. Involve the Media
4. Obtain Community Support



LONG TERM REMEDIES

1. Prepare the Superintendent
2. Restructure the Superintendency
3. Reestablish Professional Control

## DEVELOPMENT OF MANAGEMENT STRATEGIES TO CONTROL RELATIONS WITH LOCAL GOVERNMENTS

It is not enough for a superintendent to fully understand the role of the local government in the operation of the schools, or even to establish a workable system for the management of crisis. It is not enough because the relationship with local government ultimately centers on the development of an effective system for working directly with the local governmental power structure, regardless of what that structure might be.

Although most of the strategies for the establishment of such a system identified in this section would appear to be good common sense, it is absolutely amazing, if not frightening, that many school administrators neglect, overlook, ignore, and/or refuse to apply such common sense in their professional relationships with public officials. Many local crises could clearly be avoided if superintendents simply recognized the fact that they too represent a significant power base within the community and should use that power in the best political science definition of politics.

Despite the growing trend toward sharing the responsibility for the management of public education with local government, the school administrator still can control the strength of the relationship, the degree of involvement, and most assuredly, supervise the type of participation permitted. Truly, it is utterly impossible for school administrators to stand in the schoolhouse door and keep the politicians outside. It is prudent to recognize that the primary task of the school administrator is to control and organize the involvement of local government in the administration of the schools.

With that objective in mind, the following ten strategies are offered as basic to the development, maintenance, and protection of a system to build and maintain an effective relationship with the local governmental structure. It must be emphasized that they are not one-time approaches, but indeed should become the modus operandi for interacting with local government.

### Learn the Structure of Local Government

As obvious as it may appear, a first priority for a school superintendent moving into a community is to learn the structure of the local government. Although the basic organization of local government is similar across the country, there are differences related to the types of local government which exist within each state. The differences between and among city governments, county government units, and other types of home rule governments established by the State vary in scope, in intensity and power, but all establish the basis of interaction between the school system and municipal government. The superintendent must be the expert in the scope and consequence of that interaction.

More importantly, that subject must be thoroughly researched and mastered long before the first day in office.

Of more consequence is the absolute necessity to become familiar with the individuals who are actually running local government. That includes, but is not limited to, elected officials as well as the various heads of departments and the public officials with whom the school district conducts business on an ongoing basis. One of the key items on a beginning school superintendent's "get acquainted" agenda should be meeting with key governmental officials. A small reception, preferably hosted by the Board of Education, to introduce their new administrator to local government can do more for establishing good relations than years of meetings scheduled around recorded business items. A personal phone call from the Trustee, County Executive, or Police Commissioner is a significant step in the establishment of a firm foundation on which support for the school system can be built. More importantly, that type of contact, once initiated, should be maintained regardless of the pressures, priorities, or crises in the operation of the schools. To re-emphasize a point, such exchange between the local government and the school system can prevent many problems and crises from occurring in the first place.

### Communicate School Information

Unquestionably, a major responsibility of the superintendent for relations with local government is to communicate on a regular and comprehensive basis, information about the operation of the school system in written reports, oral presentations and individual statements, interviews and comments. The more information is disseminated about the school system to the community and to individuals within the structure of the local government, the better. Even though much of the information may be educational in nature, that information can make a difference in the attitude about the schools. For example, new educational programs, test results, and even staff activities can provide a basis for understanding the overall plans, purposes, and objectives of the school system.

Of critical importance is informing local governmental officials that information about the school system is being made available for the public and is open to review. At the very least, the effective school administrator who does maintain an open system of communication about the school system to the local government can never be criticized for failing to keep the community informed. This is a basic strategy and one that truly can provide significant results over a long period of time.

### Assign School Staff to Provide Liaison with Local Government

Selected members of your school administrative staff should be assigned to represent the public schools with the local government. On many occasions, local officials need to have information on the public schools very quickly. It is not good management for those officials to be put off or delayed because the superintendent is unavailable. Even more importantly, there are also many occasions when locally elected officials prefer to obtain information from someone other than the superintendent. The exchange may be on a far more informal basis and it is very good strategy to have members of the staff whose judgement and accuracy can be trusted to be made available on a phone call basis. This type of representation and responsibility should be clearly recognized and respected by all members of the staff, so that the tendency to overlap such a function does not occur. It is very difficult for this strategy to be properly controlled. If it is not controlled, it can result in a very serious management problem, with too many spokespersons for the school district. If it can be made to work, it can serve as a very highly structured informational system of communications that can be supportive to the effective and successful superintendent. The key is competent, loyal and astute staff in key political roles!

### Participate in the Community

Because of the fact that the superintendent is a very important member of the community, participation in community affairs, projects, functions, and activities is a given. In most instances, it is highly preferable for the superintendent to live within the community. That was a condition of employment in most school systems for many, many years. However, the movement of superintendents from one system to another, along with an incredibly changing real estate market, has modified that condition in most communities. In addition, there are often other considerations related to security, privacy, pressures, and other more personal reasons that justify and legitimize the administrator not residing in the community. Residency not withstanding, it is critical for the superintendent to be regarded as part of the community. At the very least, personal supplies and services which can be provided by the community should be procured locally wherever possible. Attendance at local and civic affairs should be considered part of the professional responsibility of the superintendent and regarded as a basis for maintaining good relations, not only with the local government, but with the general community as well.

### Establish Credibility

One of the very best strategies to be used in maintaining effective relations with the local government, regardless of support or not, is to build a reputation of expertise. That can be accomplished only through the demonstration of detailed and comprehensive knowledge about the school system at every level. This is particularly true in the beginning. Public officials must clearly recognize that the superintendent possesses expertise concerning the school program, not only educationally, but also administratively. The superintendent must display detailed knowledge about the budget, the program, the staff, and other matters which indicate a firm grasp of the operation of public schools and a working knowledge of the system. It is a mistake, particularly for a new superintendent, to be represented by staff or to be forced to turn to staff too frequently, for answers that he/she should have. The reputation is quickly established whether justified or not, that the superintendent truly does not know the system and that the superintendent is not really running the operation.

### Maintain the Professional Image

Recognition of success and expertise by the educational community is very important. It is important because the Board of Education wishes to have that recognition of its superintendent. It is also important because such recognition contributes to the power base of the superintendent within the community and makes it far more difficult for the local government to criticize the chief executive officer of the school system. Although it is true in school administration, as well as in most every other professional endeavor, that "A Prophet is not without honor, save in his own country and in his own house", it is also true that it is far more difficult for established educational leaders to be denounced by local government.

### Support the School Staff

One of the most effective strategies to be used with the local government is for the staff employed in the public schools to be highly supportive of the superintendent. Economic benefits and salary structures notwithstanding, the support base that can be established and stand over a long period time consists of a staff that recognizes that the superintendent of schools is supportive of their efforts. That can be accomplished quickly and very efficiently by a highly visible posture with sincere and quick acknowledgement of staff efforts and achievements. Letters, individual conferences, school visits, family recognition, and ongoing concern is actually the foundation for effective relations with the local government. If school employees are not supportive of the administration, that dissatisfaction will ultimately become political in nature. The pressure brought to bear by a dissatisfied employee can be very great and very effective. Staff will quickly rally around fairness, concern, protection and loyalty. Their support base must be a superintendent who conveys trust and professional integrity.

### Keep the Board of Education Informed

The Board of Education hires the superintendent of schools. Very often the Board of Education fires the superintendent of schools because the local government doesn't like the superintendent. Although there are many reasons why that may occur, the one reason that is absolutely unforgivable is that the Board of Education does not know enough about the schools to represent effectively the operation of the system to the local government. In many instances the attacks which are waged against the superintendent are not only unjustified, but unconscionable, unrealistic, and unbelievable. In many instances the motivation is not only political, but immoral, if not unethical. The issues may range from financial to civil rights, to equality, to curriculum objectives, to personalities, to profit, to politics, to control. The superintendent who does not agree with the position of the majority of the Board of Education or any or all of these matters must either accept a professional accommodation or make a professional change. However, the superintendent who supports the position of the Board of Education and still loses support because the Board is not informed, involved, or inserviced, should clearly move on.

### Develop Good Media Relations

The opinion of the media on the public schools can serve as one of the most powerful of all of the strategies available to the superintendent. If the media is supportive of the public schools, it is very very difficult for public officials to attack the school administrator responsible for running these schools. It would be better if the media developed its position on the schools totally independently but, it does not work that way. Good media relations are built over a long period of time, gently, subtly, but very purposefully. They are intrinsic to the establishment of a system for the management of crisis disarmed previously. Their impact can neither be exaggerated nor over-emphasized. It is an egregious error to ignore them in the building of effective relations with local government.

### Maintain a Positive Image

Of all strategies and all trends, changes and challenges to the superintendent, the single most important one is to maintain a positive image of the school district. This cannot be simply a public posture. It truly must be the outward manifestation of excellent programs and services in the district and the fact that children are truly learning and achieving at their maximum potential.

No one will believe or support requests to maintain the program if the administrator of the district does not believe it. Such a belief can only be accepted and communicated by a positive and committed public image. That is not an easy task, particularly with the growing pressures and changing politics of school administration. All the changes in the role of local government notwithstanding, all the stresses of crisis management notwithstanding, and all the difficulties in building and maintaining effective strategies for effective relations with local governments notwithstanding, the final and complete measure of success for any school administrator at any level is the belief in the school district. That is the basis of the image, and that too is the basis for the survival of the superintendent and the school district.

The use of these ten strategies can depend on the degree to which the superintendent can effectively control relations with local government. Regardless of the understanding which the superintendent may have of the role of local government in the operation of the school district, and regardless of the effectiveness of the system to manage crises; it is the ability to deal with the individuals within the structure of local government, as well as the bureaucracy, which not only determines the success of the administrator, but the success of the school system as well.

Relations with local government must be dynamic, developing to meet the changing conditions of each district and each school administrator. They must also be dynamic, because of the changing nature of public education in this country. There are few who would argue the point that public schools in America are far different today than at the beginning of the second half of the century. Nor could many challenge the claim that they will be more different at the close of the century. Hopefully, the difference will not be the loss of professional leadership by school administrators because they failed to recognize that the final control and quality of public education is at the local level -- by the people and by the government they choose to represent them -- locally.

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# RELATIONSHIPS WITH STATE AND FEDERAL GOVERNMENTS

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## Introduction

The decisions of state and national political leaders and the actions of bureaucrats have a significant impact upon the activities of chief school administrators. Laws are routinely enacted and enforced which directly affect the policy options and alternatives exercised by local school officers. Many actions by higher government further opportunities for school administrators, while others greatly constrain them. Some educators, including chief school officers, view the activities of higher level government with a certain degree of anxiety and even hostility. Others are simply philosophical or just feel helpless.

In the education arena a variety of actors present agendas to their elected officials and those who execute the will of these representatives. Chief school officers, like board members or teachers or parents, have legitimate claims to make upon the people who set policy for and regulate schools. These claims can and will be heard if superintendents follow some basic rules.

In the political and bureaucratic arena, one's effectiveness is measured in part by the skill in utilizing political resources at one's disposal. Some of these resources are unique to the particular individual and are developed over long years of difficult effort. But resources may accrue to a group because of who it is and what it represents. Chief school officers' principal political resource is credibility. This credibility is based upon many factors -- a demonstrated capacity for leadership, training and educational background, expertise and the ability to speak for the general (as opposed to special) educational interest. Perhaps more than other educational actors, chief school officers are in the know about the operations, impacts, and consequences of educational practice and procedures in their districts. The objective is not to try to duplicate the activities of other groups such as teachers or school boards, for these groups will always command far greater monetary and personnel resources. But chief school officers can draw upon their human resources to accomplish sound educational ends.

The establishment of solid, positive relationships between chief school officers and the strategic education players in Albany and Washington benefit everyone, most of all the children of New York State. Feedback from the field to policymakers enhances the prospects for better policy in the future. Misunderstandings are minimized, and all the significant actors come to better comprehend their own complementary roles in policy development and administration for education.

This paper examines relationships between chief school officers and state officials (Regents/State Education Department and legislature) and chief school officers and federal officials (U.S. Department of Education and Congress). It seeks to illuminate recent developments within state and federal governments as well as steps chief school officers can take to relate to representatives at these governmental levels.

## GOVERNMENTAL RELATIONS AT THE STATE LEVEL

In New York the principal educational government at the state level consists of the Board of Regents, the Commissioner of Education, and the State Education Department. To help shape state law and regulations, chief school officers must establish effective relationships with all of these state officials. New York's state officials have long played a crucial and highly visible role in educational policymaking and implementation.

### The Board of Regents

The Regents sit at the apex of New York's educational government. Established in 1784, the Regents have already celebrated their bicentenary and are the oldest state board of education in the United States. New York's educational arrangements have often been viewed as a model other states would do well to emulate. Some particular factors for the Regents' authority and prestige are as follows:

- History and longevity. The Regents, as mentioned, are the oldest state board of education in the United States.
- Powers and responsibilities. The scope and extent of the Regents' authority are extensive and exceed those of equivalent bodies in other states.
- State leadership. The Regents have a tradition of developing programs which have led the way for other states. They have been directly associated with tests, degrees, and other educational innovations.
- Autonomy. The Regents are relatively independent from the actions and machinations of other governmental officials. However, this autonomy is under attack.

The Board of Regents consists of sixteen members, each of which is selected to fill a seven-year term (or unexpired terms of lesser duration). Board members are selected by a joint resolution of both houses of the New York Legislature. Twelve of the Regents are appointed on the basis of their residence in one of the state's twelve judicial districts while four are selected on an at-large basis.

The powers of the Board of Regents are extensive. In the words of one former Education Commissioner in another context, the Regents' authority extends from the "teething to the toothless". Chief school officers are perhaps most aware of the Regents' rule-making powers, such as the promulgation of Part 100 or Part 200 "regs". Such regulations spell out in considerable specificity the types of educational programs local school authorities must conduct. But the Regents also adopt policy decisions and release major policy papers, they submit a package of recommendations every year to the legislature, and they confer academic degrees in higher education, among their many chores.

While the Regents are the State's education superboard, their political clout is mitigated by several important factors. First, although the Regents propose funding levels for New York's public education system, the State legislature actually authorizes educational expenditure levels. This is a significant limitation on Regents' influence, since control of the purse strings permits the Legislature to influence programmatic goals for education. Second, the Regents' impact is limited by their amateur status. Most of these lay officials have full-time employment apart from their service on the Board, and the Regents must exercise their responsibilities in the context of many other competing demands for their time. As a consequence, in making decisions, the Regents must rely heavily upon the advice of the Commissioner and the staff of the State Education Department. This does not mean each staff recommendation automatically gets a stamp of approval, but more often than not it does.

Even so, the Regents remain an important contact point for chief school officers and others seeking to shape New York's educational policies and programs. While educators in the field will continue to complain bitterly about this or that new Regent regulation, the Regents attempt to do their best by New York's students. They will continue to need help and understanding from the State's educational community.

## Relations with the Regents

Since all but four Regents are selected on the basis of the State's twelve judicial districts, most of the Board members represent defined geographical districts. To be sure, geographical representation is less compelling for Regents in their decisionmaking than for legislators, but many Regents do put high priority of the particular needs of students in the regions (for example, students in the "North Country", or in "the City" or in other places where Regents reside). New York City Regents, in particular, have often addressed the particular educational needs of the New York City public schools with directness and conviction.

In addition to their geographical frames of reference, Regents pursue programmatic agendas which arise from their individual interests or long-standing philosophical and ethical commitments. Some Regents may associate themselves more fervently with the needs of special populations of the state (for example, minority children or the disadvantaged), even though these students are not particularly numerous in their districts. Other Regents have been heavily involved with libraries and in extending educational television throughout the state. These Regent priorities may have little to do with where the Regent lives.

As lay personnel chosen, in part, to reflect their independent judgement, Regents are not analogous in all respects to elected officials like legislators. This factor should be kept in mind in communications with individual board members. Hard-sell political lobbying is not appropriate and is likely to be counterproductive with most Regents. These lay servants of their state do not need to be abused. At the same time, the Regents ought not to be without consequential input from the field -- especially superintendents. These inputs are a powerful corrective to the always potential abuses of centralized decisionmaking. Some suggestions follow.

Get to know your local Regent.

Superintendents should make a point of getting to know the Regent from their judicial district. Introduce yourself. Establish some basis for the Regents' involvement with your district, whether ceremonial or substantive. Make overtures to any at-large Regents from your immediate area as well. Do not overdo it, and recognize that Regents have many other competing demands. But find ways of fostering face-to-face encounters with your Regent.

Communicate in writing as well as orally with your Regent.

Keep Regents informed of the current impact of State regulations and mandates for your district, and send along any suggestions for improvement. Letters are a reasonable way to communicate these concerns. In general, adopt the same format as would apply if you were writing to an elected official. But do not become the habitual letter writer. Choose your issues carefully. These issues should be ones of extreme importance to you and your school district.

Act in concert with peers and other professionals.

Try not to go it alone if others share your concerns. Yes, a voice crying in the wilderness may be listened to. But you are likely to get more results if you find some allies and if your concern is equivalent to or relates to theirs.

Coordinate with the Council.

Your association in Albany is charged with monitoring the Regents and other state education developments. Coordinate with the Council, its officers, and staff. Use the Council's machinery to air your concerns. The Council provides a mechanism to refine these concerns as well, to consider more fully their ramifications, and to propose solutions that will benefit all New York youth.

Use opportunities to provide testimony, serve on advisory committees, and otherwise provide inputs to the Regents and their decisions.

The Regents regularly schedule regional conferences and other forums to solicit input from the field. Also, the Regents, the Commissioner, and the Department have numerous advisory committees to assist them in policy and program development. All such activities provide occasions for shaping New York's educational policies and should be seized upon.

Time activities appropriately.

One's impact upon policy and program development is often related to timing. In the formulation of their Action Plan, the Regents engaged in an extensive consultative process with educators and other interested parties. Several accommodations were made in direct response to concerns expressed in the field. Later in their deliberative processes, however, the Commissioner and the Regents closed ranks and further changes in the plan were almost impossible. Getting the plan enacted assumed the highest priority. The optimal time for changes in the plan had passed.

### The Commissioner and State Education Department

The New York State Commissioner of Education sits at the head of a bureaucracy that oversees not only all levels of education but also the professions, museums, libraries, and assorted other institutions in the state. The Commissioner of Education is the chief administrative officer of the Regents, the chief executive of the State Education Department, and the president of the University of the State of New York (not to be confused with the State University of New York). Not only is the Commissioner the top educational spokesman in the state, his judicial decisions have the effect of law.

The shape of the present Commissionership dates from 1904 when the Unification Act brought both elementary-secondary and higher education under the control of the Board of Regents. The Commissioner is appointed by the Board and serves at the Regent's pleasure. Only once in the Board's 200-plus year history has the Board removed a Commissioner from office. Generally, Commissioners and Regents have worked together amicably and are able to work out their differences.

The powers of the Commissioner, plus the commitment of New York to quality education, make this a powerful position. No other state education official wields an equivalent amount of executive and judicial power. This means that the Commissioner is not only New York's top state leader in education but is likely to have high visibility in national educational circles. Probably not even the California State Superintendent of Public Instruction has equivalent status.

Unlike the practices of several other states, where ascendancy to the chief state education position is through elective office, New York's Commissioner need only please a majority of Regents to gain the position. Recent New York Commissioners have not been cut from the same cloth as many local administrators; rather, they have worked their way up from within the SED. For them, employment in the SED has dominated the bulk of their professional life and has shaped their thinking and orientation to education.

Future Commissioners of Education are more likely than not to have similar career patterns. Perhaps the increased complexity of state educational administration provides the Regents with few alternatives. The Regents are likely to continue to seek out Commissioners who have mastered the intricacies of SED decisionmaking and who have first-hand experience of working with the Board. These considerations will have implications for the manner in which chief school officers and other educators are to relate to the incumbents of the office.

The State Education Department, which the Commissioner administers, consists of almost 4,000 staff members housed in Albany, New York City, and elsewhere in the state. New York's is the largest state department of education in the nation, and for years its staff was larger than that of the U.S. Office of Education. The New York State Education Department has a high profile within New York and, to a lesser extent, in educational circles outside the state. The Department's management takes seriously its mandate to provide leadership to education in the state. The Department's technical competence, its data-gathering capabilities, and other organizational strengths place it ahead of equivalent entities in other states. With their competitive salary structure, their specialization, and their high professionalism, many senior personnel in the SED achieve stature in national educational circles.

Organizationally the Department is a multi-tiered, bureaucratic structure. The Department is headed by the Commissioner, the Executive Deputy Commissioner, and essential to the Superintendents, the Deputy Commissioner for Elementary, Secondary and Continuing Education. There are also the Deputy Commissioners of Cultural Education, Higher and Professional Education and Vocational Rehabilitation. Under the deputy commissioners, are several assistant commissioners, coordinators, and administrators of smaller units within the Department.

Some superintendents, teachers, administrators, board members, and others who work in local school districts harbor somewhat negative attitudes toward the SED. These negatives, to the extent they exist, are derived from different perspectives about how to promote the best educational practice in New York. Superintendents are likely to value decisionmaking which maximizes local flexibility. They may resent State mandates, especially when they feel many of those mandates to be ill-conceived for their student populations. Funding is another source of tension between the SED and the local school districts. State mandates may be imposed without any added State resources. On the other hand, SED personnel stress that they are performing their appropriate function -- to execute State law and regulations enacted by official bodies.

These tensions between governmental levels seem to characterize policy arenas other than education as well. It may be an inevitable product of federalism (see later discussion of local education attitudes toward federal officials). In any event, these tensions are here to stay; superintendents should recognize this fact and not be diverted by the irritations involved in American intergovernmental relations.

Such complex organizational structures as state departments of education, especially the New York SED, make it difficult for chief school officers and other local school personnel to know how and where to establish the most effective linkages. Superintendents have to keep in mind that the Regents, not the SED, set education policy in New York. Further, the SED collects extensive data from local school districts. These data not only become the basis for Regents' actions but also may shape legislative decisions. The State Education Department, therefore, does not act in a vacuum, where information is totally lacking.

Yet such data rarely tell the whole story about educational progress or the lack of it. Personal linkages between chief school officers and SED personnel can provide extra insight into the meaning of data sets. These relationships can serve as a conduit for relaying personal judgements and interpretations about relevant aspects of New York's educational system.

## Relations with State Education Department

Some implications are:

### Establish good and cooperative relations with SED personnel.

Chief school officers will have occasion to interact with a number of SED personnel during the school year. Such interactions should be positive for both parties. However, because the institutional perspectives of the superintendent and SED staff are often different, conflict can result. Deal with the conflict institutionally and preserve your personal relationships. On a personal level, relationships are usually good between State and local administrators.

### Keep appraised of SED initiatives.

The Regents and the SED issue a steady stream of communications to the field. For superintendents, an excellent general source is the Executive Newsletter. Others are identified in the Appendix. Keep informed with what they are about, and with the new initiatives that are planned to take effect. Without sufficient knowledge, you are unlikely to have any impact on policy outcomes in education.

### Provide feedback on how programs are working.

As a professional and educational leader, you have an obligation to provide ongoing feedback to the SED, particularly where state mandates and regulations are concerned. What is working? What is not? Identify SED personnel who share responsibility for programs in which your district participates Communicate.

### Consider the SED to be a resource which can be tapped for your district's benefit.

Reference has already been made to the expertise which SED staff possess. Use it! Don't regard the SED merely as a regulatory agency whose only mission is to make life more difficult for local school officials. SED's should provide leadership. Check out ways that your district can tap into the resources which the SED has at its disposal.

### Assist the Commissioner and SED whenever opportunities arise in various capacities.

As noted earlier, the Regents, Commissioner, and SED require many local school officials to staff their many advisory groups. Be available. Investigate what opportunities there may be to serve in these capacities. Don't hide your interests and expertise from SED officers and others.

### Use the Council.

The Council is housed but a few doors from the Commissioner of Education and the State Education Department's main building. The Council's staff interacts with SED leadership almost on a daily basis and is a resource for you in checking out facts and perceptions about the SED, its officers, and its programs. The Council can help monitor reactions from the field that bear on SED programs and policies.

## The Legislature

An important source of policies for New York's public schools is the New York State Legislature. The State's Legislature is bicameral and consists of the State Assembly (150 members) and the State Senate (61 members). All terms are for two years. Assemblymen and Senators meet annually from January until the early summer and when special sessions are called. The Legislature's most important responsibility in education is approval of the State's education budget. In addition, the Legislature has ultimate authority over other areas related to the governance, administration, and programs of the State's educational institutions.

Some observers feel that, during the past recent years, the Legislature's role in education has been increasing at the expense of the Regents. There is some evidence that this is the case, and if so, New York would merely be following trends present in other states. It is fair to say that relations between the Regents and legislators are at times rocky. Legislators complain that the Regents are not sufficiently accountable to the State's 18-million residents. Occasionally, legislators have found ways of communicating their displeasure to the Regents and the SED -- sometimes in concrete acts, sometimes in threats. Yet for the most part, the relationships between the State's educational bureaucracy and its legislators are not rancorous.

Some of these occasional tensions may be attributable to developments internal to the Legislature. In recent years, New York's legislative processes have undergone important changes. For example, Assemblymen and Senators now have at their disposal larger numbers of expert staff; some staff are assigned to individual legislators, others to committees, and still others to the leadership of both houses. This means that legislators are no longer as dependent on state agencies (like the SED) for judgements regarding programmatic needs or for statistics. Staff members inevitably play a significant policy role in the legislative process, sometimes shaping the decisions of legislative members.

With its many staff and its other support services, it is hardly surprising that New York's legislature ranks high in its professionalism and on most performance measures. National surveys have confirmed these rankings. Accordingly, in the legislative arena, New Yorkers have all the machinery in place to get the job done, and legislators themselves get top pay for their services.

The dynamics of legislative decisionmaking vary from session to session. Certain factors affecting decisionmaking are structural: the role of officers, of committees, and of other entities which, on paper at least, remain constant. Some peculiar features of New York State also remain fairly stable over time: downstate/upstate cleavages; its northeastern location; and the like. But human and political variables related to the legislative process are constantly changing. The style and modus operandi of the Governor and of the legislative leadership can impact significantly on how business gets done in Albany. New York legislative procedures give enormous power to its legislative leaders. Also, legislative decisionmaking is strongly affected by some external conditions which may change dramatically from year to year. A few years ago, New York City's fiscal crisis permeated almost all areas of public policy and finance throughout the state.

An important political variable in New York is the political party which controls each of the legislative houses. In recent years the Democrats have been in control of the State Assembly and the Republicans have had a majority within the State Senate. This fact has had significant ramifications on how the Legislature operates. It means both political parties must ultimately be involved in educational (or other) decisions in the Legislature. Further, it dictates that, if the Legislature is to be effective, its leadership must be willing to forego partisan politics and compromise on many concerns.

In the course of the legislative year, Albany is home to hundreds of lobbyists who seek their objectives through the legislative process. The educational interests have year-round representation in Albany by such groups as the Council, New York State United Teachers, the New York State School Boards Association, N.Y.S. Catholic Conference, and other groups. Not all these educational associations are first or foremost lobbyists, but they all monitor education legislation and attempt to keep their memberships informed when their vital interests may be at stake.

The New York State Council of School Superintendents is one of the many education associations in Albany which monitors legislative developments in education. The Council, unlike a few other education groups, does not maintain a staff of "legislative representatives" (in other arenas called lobbyists) nor does it maintain a large research department. It does not have a "war chest" to reward friends and punish enemies within the legislature.

This does not mean that the Council is passive in the legislative process. Although small in membership, the Council is rich in the insight it can bring to bear on educational issues. It can and does seek to convert the resources of its members -- credibility, leadership, expertise -- into positive legislative outcomes. The Council can be and is successful to the extent it activates its membership to work toward legislative goals that are desirable for the broader educational community. Chief school officers can speak pro-education, without immediate self-interest and without a particular axe to grind. Any meaningful strategy to influence legislative decisions must convert membership strengths into resources to be reckoned with in the legislative process.

## Relations with the Legislature

Chief school officers have need for two types of relationships with members of the New York State Legislature: those one-to-one, largely personal relationships with the lawmaker in his or her district, and relationships with the legislature collectively in Albany. Some suggestions follow.

### Know your legislative representatives.

You should be familiar to Assemblymen and Senators who may represent your district. Seek out common organizations, meeting places, and perhaps causes which will facilitate contacts. Don't be just another face -- a blurry, "what's his/her name?" in the legislator's mind.

Establish point of common identity with legislators.

Most "lobbying" manuals stress that, should you share things in common with legislators, you should not hesitate to let these be known to the legislator. These shared items might relate to background (such as an "old school tie") or common cultural, ethnic, or religious backgrounds. You do not necessarily win extra points merely by establishing points of common identity, but they may provide for a more concrete reference point for you on the part of the lawmaker.

Keep the legislator informed about your district.

Try to find ways to keep the legislator informed about your district. If appropriate, have the legislator participate in some district activities and functions. Use these occasions to inform and educate the legislator about your district, particularly what programs are working and which are not.

Write the legislator about the impact of legislation -- existing and proposed.

There is no way legislators can be fully informed on all matters, including the impact of their past actions or the probable consequences of decisions they are currently contemplating. Take it as an obligation to inform your legislator about matters which are important to you. Let them know the implications of bills that are currently under consideration and coordinate your actions with the Council.

It goes without saying that thoughtful, well-reasoned statements to your legislator are more effective than "I'm mad as hell" letters. Avoid the temptation of reading the riot act to your legislator.

Join with other educational interests in legislative matters. Remember: In unity there is strength.

Keep alert to possibilities of forging alliances with educational and other interests in the community. Establish points of common agreement. Avoid partisan issues and ones that appear to be only self-serving. Be mindful, however, that chief school officers are more constrained by the nature of their roles than some other educational professionals are when open lobbying is involved.

Compliment your legislator on good deeds.

Don't forget to congratulate your legislators on their good deeds. Legislators are human too. They need commendation like all human beings. They need to feel that they are important and are contributing to educational and other social improvements of society.

### Forge alliances with other statewide groups.

In Albany, it is rarely productive to seek legislative objectives in isolation from the efforts of other groups. Find points of common interest and agreement and work cooperatively to accomplish your objectives. It is best to begin with the educational interest groups, but do not ignore other associations which have less pervasive interest in educational legislation. Most educational issues do involve interests outside the educational community.

### Work through established coalitions.

New York has had a long established Educational Conference Board (ECB). The ECB has sought consensus for its educational finance and other proposals so that the educational community can speak with one voice to legislators and other political leaders in the state. In recent years the Conference Board has found it harder to generate political support for its proposals, and some students of educational governance feel its authority has waned. Nevertheless, it remains an important vehicle for the state's educational community through which some common understandings and agreements are reached.

### Know the structure of the legislature.

"All legislators are not created equal". As in other organizations, the leadership of the legislature exercises unequal power in the determination of the fate of legislative proposals. Know the committee structures of the legislature, the current leadership and their general positions, as well as other pertinent information on how the legislature operates. Don't make assumptions about political power and its distribution unless you have amassed support for these assumptions.

### Get to know staff.

Legislators are subjected to pressures of an extraordinary kind. Establish relationships with key staff for legislative committees as well as the leadership in both houses. They are likely to exert subtle, though considerable influence on the outcome of legislative decisions.

## GOVERNMENTAL RELATIONS AT THE NATIONAL LEVEL

The laws and administrative actions of the federal government impact upon local schools in countless ways. Federally imposed guidelines directly affect what schools choose or may not choose to do in many programmatic areas. Federal priorities are often translated into local ones through legal requirements as well as through financial incentives. Once dependent upon the resources of the federal treasury, it may be most difficult for the local district to do without such funding.

All three branches of the federal government -- executive, legislative, and judicial -- shape federal educational policies and programs. This chapter focuses upon the first two -- the executive (or the U.S. Department of Education) and the legislative (or Congress). With each of these branches, there are many appropriate means by which local educational interests can become involved and legitimately attempt to shape the substance and execution of federal policies and programs in education.

## U.S. Department of Education

In 1979, President Jimmy Carter signed legislation authorizing the creation of the United States Department of Education. During the following year, the Department was formally established, and for the first time in the nation's history, education achieved full cabinet status in the federal government. In this historic action, a prime objective of many educational groups, but particularly the National Education Association, was finally accomplished. The education lobbyists had hoped that the elevation of the "office" of education to the "department" of education would prompt a renewed national commitment to education.

The first so-called Department of Education in the federal government was created in 1867, in the aftermath of the Civil War. This "department" emphatically did not have cabinet status and was an extremely modest enterprise almost entirely concerned with gathering educational statistics. Even then, the establishment of any federal agency dealing with education was controversial. Some Congressmen felt that the agency was not needed, given state and local jurisdiction over educational matters. To this day, many Americans continue to have ambivalent and even hostile feelings about the proper role of the federal government in education in general and the U.S. Department of Education in particular.

Upon its accession to power in 1981, the Reagan Administration announced its intentions to abolish the Department of Education, and proposals for a downgraded "foundation" of education were circulated by Secretary of Education Terrel H. Bell. These actions by Secretary Bell were not without a peculiar irony since, earlier, Bell had been an enthusiastic supporter of the Department's establishment. The Administration's efforts to eliminate the Department of Education failed, however, to generate sufficient support, and it became preoccupied with other agendas of greater national and international importance. The U.S. Department of Education appears here to stay.

The Reagan Administration's negative posture toward the fledgling Department has not been without major consequences. The lack of a firm Administration commitment has left many in the Department uneasy and demoralized as their futures have assumed less certainty. There have been some major reshufflings within the Department, and some intense debates within the Administration as to appropriate courses of action. These debates have continued to have strong ideological overtones.

For superintendents and other educators operating at the local level, the bureaucratic politics in Washington have often been confusing and sometimes frustrating. These politics have heightened the ambiguity surrounding federal educational programs and the larger federal commitment to education.

### Relations with the U.S. Department of Education.

In this fluid environment, it is not an easy task to delineate appropriate strategies for using relationships with the federal education bureaucracy. Some pointers may be helpful.

#### Keep abreast of the Department's administrative and policy developments.

The first prerequisite for effective relationships with the U.S. Department is to become knowledgeable about major educational and non-educational (tax reform) developments in Washington, including those still in the discussion stage. General information is available from several sources, particularly Education Week and various education newsletters published in the capital. Also there is regular Washington coverage in a number of education journals such as Phi Delta Kappan and in publications of the American Association of School Administrators. Even with consistent reading, few administrators will be able to fathom the complexities and behind-the-scenes education politics of the nation's capital. But the school chief officer will be on his/her way.

#### Monitor and document local federal impacts.

Chief school officers ought to see that the impacts of federal programs and policies are continuously monitored in their school districts. Who is being served by federal programs and to what effect? What are deleterious as well as beneficial outcomes of federal policies in the district? The more firm the data about such matters, the greater the likelihood that superintendents can sustain or stimulate beneficial programs. Chief school officers can amass informal data about the human impact of federal involvements in education (how a particular family or particular child is served by such programs). Such documentation may influence policy development as much as statistical tables.

#### Coordinate with other superintendents.

The monitoring of federal programs and policies should be carried out in concert with other districts and organizations. This monitoring can be systematized under the umbrella of regional associations, the Council, State School Boards, and other membership bodies.

### Work with the State Education Department.

The New York State Education Department monitors developments in Washington for the Regents, the Commissioner, and other SED staff, as well as for the larger educational community of New York State. The SED staff is a source of current, vital information about federal education developments, especially as those developments impact upon public education in New York State. Each year, with the approval of the Board of Regents, the SED issues a document, "Federal Legislation and Education in New York State". This document presents not only a detailed analysis of federal programs and policies and their consequences for New York schools, but also the Regents' policy agenda in the federal arena. It is imperative that chief school officers channel their concerns to the Regents and SED staff so that they, too, can help shape the thrust of this document and the SED's other activities relating to the federal government.

### Cooperate with the American Association of School Administrators.

Chief school officers, working in concert with Council staff and its policy committees, should participate in the decisionmaking machinery of organizations such as the American Association of School Administrators (AASA). From its Washington location, AASA is in the position to monitor developments within the Administration and to alert its member superintendents to transactions of particular interest.

In the immediate future we are likely to see continuing upheaval within the federal education establishment. Americans will continue to be somewhat unsure about the U.S. Department of Education and precisely how much stature it should have within the federal government. Some, particularly within the education community, will seek to enhance the Department's role and visibility, while others, particularly members of the political community, may seek to tighten the screws on the Department even further.

These cross-pressures will likely frustrate those working in the local district setting. It will not always be an easy chore to read accurately the signals coming out of the Department of Education and the Administration in office. The funding of major educational programs will continue to be subjected to pressures for contraction.

Superintendents will have to adjust to these uncertainties and make the best of them. In the short-run, they may have to be less dependent upon federal funding. Chief school officers and others should seek to define for themselves what they expect from the federal government and how the agencies of that government can best serve the education of the State's youth.

## Congressmen (Representatives) and Senators

The enactment of major education acts has transferred from federal coffers to local school districts significant amounts of revenue. Generally these funds were welcomed, for they allowed local districts to meet special needs (for example, aid to programs for disadvantaged students). But, for local school districts, the augmented federal legislation in education has also produced a number of irritants.

A major irritant is the categorical nature of most federal education programs and the administration of the federal programs. Numerous problems relate to the types of controls and stipulations which have been attached to programs.

While superintendents may find all aspects of federal involvement in education objectionable, such involvement is unlikely to vanish in the near future. The federal presence in education is heavily interrelated with judicial decisions; the bulk of those decisions are unlikely to be reversed.

We can expect, however, that future national administrations will vary in their commitment to strong federal participation in education. Under these circumstances, the local districts' and chief school officers' primary interest in the federal role in education becomes two-fold: (1) maintaining federal funding levels for education (and, if possible, augmenting), (2) ensuring school districts maximum flexibility by spending federal monies on programs as they see fit. Superintendents have learned that it may not be a bargain to get one of the above without the other.

Congressional funding of federal education programs will continue to be subjected to pressures for severe cutbacks and/or elimination in the short term. In spite of these pressures, Congress has a record of responding to popular appeals and not necessarily yielding to Administration wishes. Many federal education programs have achieved acceptance throughout the country and have firm constituencies. For these reasons, it is crucial that education forces develop appropriate strategies that will maximize their interests in Congress. To be sure, the federal stakes may be somewhat less than those in the state and local policy arenas, but the failure of educational leadership to be successful in any arena can lead to catastrophic results.

Many of the "lobbying" techniques likely to be efficacious in Albany apply equally to the Washington scene. Yet the two political arenas are not the same, and these differences must be recognized by those who seek to influence legislative outcomes. Congressmen and Senators are likely to have many more distractions than do state legislators, and these competing demands often make access more difficult. Education as a policy arena is of generally lesser significance to national politicians, given the pre-eminent role of states in education, than the federal government's concern for matters of national security, monetary policy, and a host of other critical matters.

Some approaches and activities are suggested below:

### Contacts with individual Representatives and Senators

If a circumstance permits, get to know your Representative or Senator in the U.S. Congress. This is obviously easier with Representatives than it is for Senators, particularly those from New York. But seek opportunities to get to know these officials and, wherever feasible, let them know your views about education and the state of education in your district. Contacts should not be overdone. Most Congressmen represent dozens of school districts. It is advisable to designate a few, well-regarded superintendents to take the leadership in these contacts.

Use the machinery and resources of the Council to clarify and articulate policy positions. When our elected officials receive contradictory messages from school officials, and superintendents in particular, they are likely to be confused.

### Join coalitions in the state.

Seek to develop consensus on federal education policy among a spectrum of educational interests, not just among superintendents. To be sure, certain educational issues related to control and jurisdiction divide the educational community at times. But educators -- be they teachers, principals, superintendents, or others -- share far more in common than they disagree on. The Council has natural alliances, particularly with school board members and teachers, and these linkages should be cemented and capitalized on in making representations to elected officials in Washington.

### Work with New York's Congressional delegation.

New York's Congressional delegation is second only to California's in its membership. In addressing issues of concern to superintendents across the state, the Congressional delegation may be helpful. Superintendents must first get the attention of busy New York legislators in Washington. Superintendents must seek a collective educational legislative involvement. Superintendents and their allies must detail their particular concerns. Not all of the State's legislative representatives will necessarily fall into line nor should they. But without the concern and interest of New York's elected officials, it is difficult to make much progress.

### Develop broadly gauged national strategies.

Once in a while, certain issues may be of such consequence for the future of New York education that a nationwide strategy ought to be employed to influence Congressional and Administration policy formulation. Fundamental changes in tax structure, which might greatly jeopardize levels of educational support in New York, are one example of an important issue. When the State's educational community faces such challenges, it may want to pull out all the stops in seeking policy solutions it can live with. What this means is the following: (1) identifying those concerns which the broader educational community in the United States should be aware of (for example, how schools in Mississippi as well as in New York will be impacted upon by the proposed legislation); (2) devising strategies through which educational supporters elsewhere can participate; (3) providing leadership as appropriate in the State's major educational agencies and organizations; and (4) keeping as low a New York profile as possible.

New York has organizational resources in education which may be unequalled by any other state. These include a large technical and research capacity as well as considerable human talent. If firmly committed, the educational community in the State can draw upon those resources in efforts at shaping federal educational policies. This does not mean that New Yorkers should always be leading the charge; on some policy issues it may be the more effective strategy for others to assume that role.

Effective relationships, whether with local or state or national officials, take time to evolve. Chief school officers must work on those relationships from the beginning of their tenure in office. Much of the time national and state relationships may seem of relatively little importance, when contrasted to local policy concerns. This perception, however, is not an accurate reflection of the long-term interests of the educational community. State and federal policymaking will continue to set much of the context and establish the rules of the game under which local school administration is carried out. To ignore this reality is to perhaps damage some of the future prospects for education in New York State.

# APPENDIX

## RESOURCES:

Councilgram; New York State Council of School Superintendents, 111 Washington Avenue, Albany, New York 12210

Judicial Decisions of the Commissioner of Education and Formal Opinions of Counsel; Office of Counsel, State Education Department, Albany, New York 12234

Legislative Bill Drafting Commission including Computer Service; New York State Council of School Superintendents, 111 Washington Avenue, Albany, New York 12210

Legislative Bulletin; New York State School Boards Association, 119 Washington Avenue, Albany, New York 12210

Legislative Process; N.Y.S. Council of School Superintendents, 111 Washington Avenue, Albany, New York 12210

Listing of Legislators, Addresses, Legislative Districts including School Districts; N.Y.S. Council of School Superintendents, 111 Washington Avenue, Albany, New York 12210

Major Recommendations of the Regents for Legislative Action; Office of the President of the University and Commissioner of Education, State Education Department, Albany, New York 12234

McKinney's Consolidated Laws of New York Annotated; West Publishing Co., 170 Old Country Road, Mineola, New York 11501

Minutes of the Commissioner's Advisory Council Meetings; New York Council of School Superintendents, 111 Washington Avenue, Albany, New York 12210

New York State Education Department News; Office of Public Information, State Education Department, Albany, New York 12234

New York State Education Department Organizational Chart; Office of Administrative Services, State Education Department, Education Building, Albany, New York 12234

NYSCSS Legislative Priority Statement; New York State Council of School Superintendents, 111 Washington Avenue, Albany, New York 12210

Opinions of the Comptroller Relating to Municipal Government; Office of the State Comptroller, Alfred E. Smith State Office Building, Albany, New York 12236

The Red Book; Williams Press, 13 Manor Street, Albany, New York 12207

Regents Program Priorities for the Fiscal Year; Office of the President of the University and Commissioner of Education, State Education Department, Albany, New York 12234

Rules & Regulations of the Commissioner of Education; Lenz & Riecker, Inc., P.O. Box 783, New York, New York 10101

School Law - A Handbook for School Board Members; Wm. J. Hageny, New York State School Boards Association; 119 Washington Avenue, Albany, New York 12210

State of New York Telephone Directory; Office of General Services, Empire State Plaza, Albany, New York 12242

Summary of Legislation Affecting Education; Office of Counsel, State Education Department, Albany, New York 12234

# School-Community Relationships

Z. Community Relations for the Superintendent **Z-1**
**Thomas Sobol**

AA. Working with Special Interest Groups **AA-1**
**Joshua Segal**

Z-AA
SCHOOL-

# COMMUNITY RELATIONS
# FOR THE
# SUPERINTENDENT

**Thomas Sobol**
**Superintendent of Schools**
**Scarsdale Union Free School District**
**Scarsdale, New York**

Whatever the recent polls may tell us, the public schools are still in trouble. The schools are always in trouble. Anyone who claims to remember a time when the people blindly trusted their schools and provided ungrudging support has slipped into dotage. Gaining public support for our beleaguered enterprise is hard work, has always been hard work, and will remain hard work.

Today the popular view seems to be that the schools have finally decided to teach "the basics" again (one wonders when it was that we decided not to), and that we are on the way to restoring discipline and academic standards. Yet at the same time we must deal with crushing cost increases in health and liability insurance, with the President's proposal to eliminate local property taxes as an income tax deduction, with tuition tax credit plans which would undermine the structure of the public schools. Perhaps we shall cope with these crises of the moment. Inevitably, when we have done so, fresh problems will arise. Of the need for gaining public support for the schools we serve there shall be no end.

The task is central to the superintendency. "Community Relations" is not a peripheral matter to attend to if one has time. It is not a surface gloss to be applied when the real work is over, like the parsley on the roast or a dash of after-shave. One of the superintendent's chief functions, along with the board's, is to interpret the will of the community to the staff and the work of the staff to the community. Only when this function is performed effectively can the schools achieve the public support which they must enjoy if they are to flourish.

Fortunately, the literature on this topic is full and detailed. The superintendent who is willing to spend an hour or two reviewing two publications will come away furnished with a host of general ideas and specific suggestions. Of particular help is the National School Public Relations Association's 1978 Handbook "Building Public Confidence for Your Schools: A Source Book of Proven Practices". Of some help also is the New York State School Boards Association's booklet "Communications/Public Relations: A Handbook on School-Community Relations". (The latter work, published originally in 1957 and last revised in 1973, badly needs to be updated, but remains a useful compendium of the conventional wisdom on the topic.) This article provides an overview of the community relations programs which these and similar publications advocate, and adds some suggestions out of the author's bruised experience as a practicing superintendent.

First, however, a word of caution. No community relations program can make you look good if you're not good. There may be good school systems whose publics do not perceive them as being good -- thus the need for an effective public relations program -- but there are no bad school systems whose publics think they're good. Not for long, anyway. The best community relations begin with the work of the schools — with successful teaching practices, competent service delivery, and sound business management. Get your act together before you take it on the road. Every superintendency is the big time; you have no chance to try the show in Hartford.

Here are the steps of a successful community relations program as described in the mainstream of the professional literature. (For additional detail, read the references cited above.)

1. Take Stock

What are you trying to do? What are your general goals for pupils, for teachers, for management? What specific objectives are you trying to achieve this year, or over the next two or three years? Keeping school open 180 days a year, difficult as it may be, is not an objective likely to brand you as a leader. All school systems must have a more pointed mission, and you cannot be clear with the public about that mission until you and the board are clear with yourselves.

How well are you doing? Are you making progress toward your goals? How do you know? An honest appraisal of your own strengths and weaknesses as a school system is a necessary prelude to honest dialogue with the community. Every superintendent knows where to get the relevant evaluation data and how to involve the board and the staff in evaluative activity. But don't neglect this step as you begin your new community relations program.

What does the public want? What do they think you're trying to do? How well do they think you're doing? Most of us know readily what a few people in the community want and think — the faithful supporters, the chronic complainers, the loud public voices. But too often, many of us do not know the views of the public at large. In most communities, most people do not attend board or PTA meetings, do not speak to you in the supermarket, and do not read the mail you send them. But they are all eligible to vote, and what they think counts.

Means abound for finding out what they think. In addition to the routine avenues of communication — formal meetings, hearings, parent conferences, letters to the editor, the mail and the telephone — you can reach out to people in a variety of ways. Many school districts conduct "at-home" meetings (sometimes actually held in homes, as well as in school buildings), at which citizens meet informally with members of the board or school administrators to discuss matters of concern. Some have regularly scheduled office or "phone-in" hours during which citizens can bring their concerns to the attention of the staff. Some have conducted formal opinion surveys through carefully prepared questionnaires or interviews — either through the mail or by telephone. A few have organized "focus groups" in which a small number of citizens meet to discuss their thoughts and feelings about particular programs or issues. Whatever mechanisms may make sense for your community, go the extra mile to make it easy for people to tell you what they think. It's hard to have a productive discussion with people unless you know their frame of reference. And besides, the very fact that you are already taking steps to find out what people think will itself be a good start for your community relations program.

### 2. Set Goals

Just as you must have goals for the operation of the school district, so you must have goals for your community relations program. Ideally, of course, these goals will be consistent with your plans for the system as a whole.

Do not begin by deciding what it is you want to say. No matter how misunderstood you feel, no matter how eager you are to announce your vision of the future to the multitudes, to begin with what's on your mind is to misconstrue the nature of the dialogue you wish to foster. Ask instead, "What do we wish to accomplish"? What kind of communications do we wish to engender, and how will it help us to attain the goals we have for the system? What do we need to know from people out there? Which particular groups or individuals is it important for us to hear from? And only when those questions have been answered, raise these: With whom are we trying to communicate? What message do we wish them to receive?

Remember that you cannot tell the whole story of the school system to all of the people all of the time. In order to be effective, you must be selective about the audiences with which you interact and about the issues with which you deal. Pointed and intense communication, as heated as it may become, is more effective than diffuse broadsides which most people ignore. Decide on your priorities for the year, and stick to them.

### 3. Develop a Plan

No superintendent would allow the staff development or building maintenance program to happen by itself. The community relations program should not "just happen" either. Once you have established your goals for the program, you must plan who is to do what, when, where, how, and with what resources.

Do not try to conduct the program by yourself. As important as you are to the program's success -- more about that later -- you cannot do it alone. The job of community relations belongs to everyone in the school system — the board, your assistants, the principals, the teachers, the secretaries, the custodians. For some, like the secretaries and custodians, the job is relatively simple — doing their jobs well, being courteous and informative, refraining from public criticism of the district which employs them. For others, like the board and the principals, the job is more complex. But everyone should know what his or her responsibilities are and should be an active part of the program.

Consider the full range of resources at your disposal and incorporate them into the plan as appropriate. First, there are the meetings and communications which occur as part of the routine business of the system. Be sure that citizens feel welcome at board or PTA meetings, that they have an opportunity to speak, that the information which is presented is clear and accurate. See that the letters and memos which are sent from the many offices in the district are free of jargon and respectful in tone, and that they reflect the goals and positions of the district as a whole. Take care that routine forms and procedures reflect the changing norms of the community -- for example, that they do not assume that all fathers work and all mothers stay at home.

Then there are the specific tasks of communication to deploy. Everyone is familiar with newsletters, brochures, handbooks, news stories, feature stories, local newspaper columns, annual reports, local radio or cable television programs, and school district calendars. Some enterprising districts undertake surveys, maintain hotlines, conduct discussion groups, organize special events or "days" for grandparents, fire and police, and local business people. The literature is replete with specific suggestions for using such tools effectively. In general, however, the watchwords are the same: brevity, clarity, candor. Length begets tedium, which begets apathy. Confusion begets confusion, which begets anger. Puffery and dissembling collapse upon the maker. Be short, be clear, be honest. Not everyone will believe you, but you are more likely to attain the only goal which is realistically possible — that some of the people will believe you some of the time.

Bring your plan — goals, objectives, activities, timetable, budget — to the board and enlist its aid in making improvements. When it has been approved, share it with the public. This is not a scheme which you seek to impose upon them to make them see you in a better light; it is a plan for better mutual communications.

## 4. Work With the Staff

Good communications with the community begin with good communications among the staff. We all know the effect which staff members have upon the perceptions of the public, both in the conduct of their jobs and through informal contact with the community. For this effect to be positive, staff members must understand the broad goals of the district, must see them as their own, and must feel themselves a part of the action.

In most school systems much too much goes on for most staff members to be aware of everything. But they should participate in and be aware of all major developments and they should feel more in the know than members of the community. Attaining a high degree of staff involvement and knowledge requires time, effort, and a bit of risk. Newsletters, cracker-barrel sessions, and regular meetings with the union leadership help. Better yet is the willingness to involve the staff in educational decisions and the organization to make that involvement genuine. Staff members are much more likely to defend your goals if they have helped to set them.

And if you have been open with your staff and have truly risked sharing your authority with them, don't hesitate to crack down on those who abuse the trust. Maybe you can do little about the tenured teacher who habitually criticizes you to parents (except to confront the teacher with his or her behavior), but you can get the staff to stop destroying one another. Teacher A does not have to make himself/herself look good by criticizing teacher B. Many of the public are only too ready to believe any criticism they hear, especially from so presumably knowledgeable a source.

### 5. Work With the Media

Not all representatives of the media are open-minded, unbiased, fair, informed, accurate, and constructive. But then, neither are all superintendents. For better or worse, we need one another. The tack to take is not to prepare for trench warfare, but to cultivate a wary, civil, mutually cooperative relationship.

Developing such a relationship, in most cases, is not hard. All that is required is that you treat the media with the same professional respect with which you expect them to treat you.

Remember, first, that the media person has a job to do. Help him/her to get it done. Where appropriate, prepare useful background material in advance. Be clear and accurate about names, times, places. Be available to speak on the issues. Return the telephone call, even if it's late and you're tired. (If you're a superintendent, it's frequently late and you're always tired.) Speak plainly. Tell the truth.

Beyond that, the personal relationships you establish with media people depend upon you, them, and the situation. In general, however, the author has found that it does not pay to curry favor with the press. An honest, professional relationship, even if the news or commentary is sometimes negative, is preferable to one made complicated by emotion. Not that you shouldn't pick up the telephone occasionally and compliment a reporter for accurately getting the gist of a difficult story. But at the very least, Reporter A is apt to view you more objectively if he/she doesn't feel that you are in cahoots with Reporter B. Play no favorites, and be fair to all.

### 6. Work With the Community

No human community is simple. All are complex, interrelated structures of personal relationships, group memberships, ethnic and religious identities, socio-economic statuses, special interests, and so on. Yet each community, if it truly is one, transcends the sum of its several interests and supports policies and practices which inure to the good of the whole. The effective community relations program must know the components well, work with each appropriately, and foster the spirit of sharing in the common good. In practice this means that the superintendent and his or her staff must know their community well, pay due attention to each significant component, and bring components together rather than playing them off against one another.

The structure and dynamics of community vary from one place to another, and they tend to change as time passes. The superintendent must come to know the uniqueness of his or her district, and must be in touch with the nuances of change as they occur. However, certain elements are common to most communities and deserve brief comment.

Parents are the school's prime audience, they should also be participants in the educational enterprise. Teachers and principals must work cooperatively with parents in educating their children. The staff must be led to deal politely and responsively with parents' complaints. Parent-teacher conferences must be well planned and well conducted. The PTA's and ad hoc parent advisory committees must be encouraged to participate in discussions leading to staff or board decisions about matters of educational policy. If parents are not significantly involved in the schools, they will not necessarily support them, and if parents do not support the schools, who will?

Students themselves should be a part of the community relations program. Well-run student government programs at all levels of the system can provide an opportunity for involvement in decision-making. Beyond that, students should be kept informed of the school district's problems and plans. Like the Army instructor who tells the troops what they are going to learn, teaches it to them, and then tells them what they learned, the school district should tell pupils what they're up to. Who will make a better impression on his family: the pupil who says we played games in computer class today, or the one who says we were practicing our logical-thinking skills on the computer?

In every community there are individuals and organizations which tend to influence community thinking. Time spent informing such groups or individuals about school matters, and soliciting their advice upon them, is time well spent. Occasionally the situation may call for the formation of a citizen's advisory committee to assist the board or the staff in a particular matter. Such committees can be of great help in informing the board's or the staff's decisions and in communicating them to the public at large. However, make sure that the charge is clear, that the procedures are agreed upon, and that the limits of the committee's authority are understood.

In every community, too, there are business people with whom you should communicate -- whether or not they reside in the school district. Service organizations like the Rotary or the Lions are obviously important, but so too are real estate people, local merchants, and the police. Like the New York City cabbie whose opinions are the best guide to the prevailing political winds, often these people express the popular view about the schools. Reach out to them; try to understand them, and help them to understand you.

Two other important groups reside in every community. People who no longer have children in the schools are now the majority in our society. We make a mistake if we write them off. Many of them have worked long and hard to support the schools, and although the intensity of their involvement will never be the same as when their children were progressing through the grades, they retain an interest and a loyalty which we would do well to reward. They should be kept informed of school activities (and of the reasons for changing policies and practices), and they should be consulted when important decisions are to be made.

Also present everywhere are the new residents in town and the parents of children still too young to be in school. These are special audiences worthy of their own communications plan. From whom do you wish them to get their information and form their opinions -- the neighborhood crank, or you?

### 7. Find Out How You're Doing

So you've assessed your situation, set goals, planned a program, and worked fiendishly all these months. So what? Public school systems are not heaven, and you are not rewarded for good intentions and hard work. All that counts is results. What does the public think about the schools now? How does that compare with what they thought last year? So you publish a newsletter: Who reads it? What difference does it make? How do you know?

The successful community relations program provides the means of obtaining answers to these and similar questions. As always, effective means will vary from district to district. Among the most common are opinion polls (both written and by telephone), publication surveys, feedback from established organizations and ad hoc advisory groups, the reactions of the media, the content of the mail, and the tone of the Board of Education meetings. Whatever the source of feedback, make the time to assess the results of your efforts and to involve the appropriate parties in making useful additions or changes to your ongoing program.

8. Institutionalize the Program

Having gone to all these lengths, don't start from scratch again each year. No teacher with an instinct for survival throws away last year's lesson plans, and no superintendent should sit down to invent the wheel each August. An effective community relations program is established and ongoing. It has a regular timetable and a budget. It has people who know their responsibilities and who are trained to carry them out. It has a direction and a momentum which will sustain itself even if your attention for the time being is elsewhere. Obviously, the program and all of its components cannot be permitted to become stale. Everything must be reviewed and reevaluated regularly. But the superintendent has only done the job with community relations if things keep going when he or she's away, just as they do in the lunchroom or the second grade. Your job, after all, is to lead a system, not to stage a one-man show.

* * * *

Any reader who has made it thus far deserves a rest. But the author, having written this far, and mindful of the scars he bears from long years in the trenches, feels compelled to dispense a bit of personal advice. No doubt it will be wasted, as advice is usually upon the young. Nevertheless, for any value it may have, here is the author's accumulated wisdom on community relations, distilled for editorial purposes into ten pithy precepts:

1. Do a good job.

What's true for the school system is true for the superintendent as well: no public relations program can make you look good if you're not. You must know what to do, do it well, and work at it day and night, month after month, year after year. There are no short cuts.

2. Listening is more important than talking.

It doesn't hurt to be articulate and funny, but no matter how good a speaker you are, in the end what counts is how carefully you listen. Nine times out of ten, when a citizen complains that, "They don't communicate", he means that, "They don't listen". And usually, "They don't listen" means, "They don't do what I say". Cultivate both the appearance and reality of listening to people. (Try keeping your mouth shut, occasionally.) When you can reasonably do what people ask, do it. When you can't, explain why not.

3. Honesty is more than not telling lies.

Recently the President's Press Secretary found himself in trouble because, although the information he dispensed was true, he did not give the whole truth about the President's illness. Avoid that problem. If you are asked whether the board intends to propose a bond issue and you say, "It has no present plans" -- knowing that it will make such plans next Tuesday evening -- you are not telling the truth. Better to decline comment than to deceive with partial truths.

The appearance of honesty to others is as important to you as the fact of being honest itself. For that reason being on top of the facts is of paramount importance. No one can expect you to know everything about every thing all of the time, but if you stumble or misspeak on the facts of a crucial issue, your image for both integrity and competence may be tarnished.

4. The public is not your enemy.

These are the public schools. The public is their clientele, their chief support, their raison d'etre. It is also your employer. Don't gird for each public encounter like a gladiator before combat. Be open and respectful, and within the limits of what is possible and the bounds of your integrity, help the public to get what it wants.

5. The public is not your friend.

The public, alas, is a fickle and forgetful mistress. No matter what credibility you may have achieved through long and effective service, with many members of the community you will be only as effective as you were at the last meeting. If your sense of worth depends upon public approbation, become a friendly crossing guard or sell ice cream. Otherwise, depend for your esteem upon your family, your friends, and yourself.

6. Bring different sections of the public together.

Every fall we listen to people who want more -- smaller class sizes, bigger sports programs, safer buses -- and every spring we listen to people who tell us to spend less. The superintendent who is bounced back and forth between these separate audiences might well become a schizophrenic. Get the groups together; let them listen to one another. Then get them to help you find a reasonable way to achieve an outcome fair to all.

7. Don't win too big.

When the budget has been passed, or the bond issue approved, or the redistricting proposal you had recommended is adopted by the board, don't gloat. Be modest, and be genuinely concerned about the effect of the decision on those who had opposed it. Your reward is in the outcome itself, not in rubbing it in.

8. Don't lose too hard.

Not everything can go your way. (In fact, if it did, people would begin to complain about your dictatorial power.) Take your lumps quietly. Remember that times and issues change, and that today's foes may be tomorrow's allies. Tell your antagonists that, although you have disagreed with them, you admire the campaign they conducted. Above all, don't be personally bitter. As President Nixon said toward the end, if you hate your enemies too much, that hatred will destroy you.

9. Live there.

Conventional wisdom is divided on whether or not superintendents should live in the communities they serve. Without question, there are drawbacks. It doesn't do to go to the drugstore on Saturday morning with your face unshaven or your hair in curlers. People do stop you in the supermarket or at the tennis court and ask you irksome questions. Your kids do take a beating in schools.

But in the author's experience the only way truly to know a community is to live in it and be a part of it. Only that way do you hear neighborhood gossip, see what the kids do on weekends, get the pulse of daily life and a sense of what seems to matter. Only that way, too, do you develop a circle of personal friends who reside in the community — friends who may care more about your backhand than about the work you do, but friends on whom it may be comforting to rely in a pinch. And at the very least, you don't have to endure people telling you "what the community thinks". You are the community.

10. To thine own self be true.

Polonius may or may not have been a fool, but his advice on this matter speaks to the heart of any community relations program. The superintendent is mind and soul of the school district, and if he or she cannot be honest with himself, he or she must play false with every man. All of us practice the art of compromise, and most of us have learned from time to time to knuckle under to policies or practices of which we don't approve. The essential trick is to know where pragmatism ends and where the erosion of one's integrity begins. Drawing that line requires more than good intentions; it requires intelligence, experience, wisdom. But draw it we must. Only if we fundamentally believe in what we're doing can we convince a staff or a community to follow.

And if we don't, the game may not be worth the candle.

# WORKING WITH SPECIAL INTEREST GROUPS

Joshua Segal
Superintendent of Schools
Roslyn Public Schools

## THE NATURE OF THE PROBLEM

During the course of a school year, the following requests conceivably could be made of any local district's superintendent:

- A veterans' group asks that the high school marching band perform on a Saturday afternoon during Memorial Day observances.
- A service organization asks that more instruction be given to students about the nature of volunteerism and its positive impact upon American society.
- A representative of a religious institution asks that the school calendar reflect the majority population's wishes when there are choices regarding days when school need not be in session.
- The teachers' union asks that junior and senior high school classes be suspended for one day so that the students and staff can discuss the issues of nuclear proliferation and the South African government's policy of Apartheid.
- The Chamber of Commerce asks that all students, K-12, receive instruction in career education, in basic "survival" skills, i.e. typing, writing checks, maintaining a budget, etc., and in the nature of local business and industry.
- The county scout organizations want the class lists of all fifth, sixth, and seventh graders so that they can send information to the parents.
- A local college, with a school of education, wants to conduct an experiment in curriculum, using two classes in each of three elementary schools.
- A local official asks for the names of graduating seniors so that her office can send a congratulatory note to each.
- The music "boosters" ask for assistance in planning a fund raising dinner, the purpose of which is to send a school's performing group overseas.
- Several organizations involved in campaigns to eliminate disease through research and education want students' participation in essay contests, competitive poster drawings, etc..
- There are also requests for student participation in walkathons, bikathons, swimathons, etc..

There are also many other groups, each requesting that the school system recognize the legitimacy of a specific organization's efforts and respond affirmatively.

Certainly there is a need for an examination of the role of special interest groups and how they affect public school systems. Without such a review, school superintendents can be subjected to unnecessary pressures and may respond incorrectly or inconsistently. Dominant special interest groups may usurp time and energy more correctly devoted to the school's primary functions. Inadequate response may also lead to antagonism, adversarial relationships, and ill will.

## Our Public Schools

The public schools of our State are a unique institution. Of all of our society's organizations, ours is the only one which has a constituency assigned by law. All of the children in New York State must attend a public school unless their parents have arranged for alternate education meeting State requirements. In addition to the obvious challenges, there are some problems accompanying the governance of our "captive audience".

Because all the children of a community who attend public school are under the supervision and care of one authority, the local school board, there are pressures brought to bear on that authority by special interest groups which are mindful of the significance of the missions of the public schools, are aware of the fact that most children attend, and have their own purposes and goals. These pressures are anticipated by the very nature of the democratic processes within which school districts function. An examination of how special interest groups relate to schools and students is a valuable exercise because it produces additional insights into the process, insights that will better equip superintendents to respond to the importunings and, occasionally, the demands of organizations whose primary concerns are not the education of the community's children.

## Special Interest Groups

Special interest groups are many and varied. Their goals may be narrow or broad and may or may not concern children in public schools directly. Parents' associations are the primary special interest group with which superintendents deal. Their purposes and those of the superintendent are usually the same. However, there are teacher and administrator unions, service clubs, business groups, and patriotic, religious, charitable, and political organizations whose primary missions are not directly related to students. Non-public schools, colleges, and universities located in a district, while they do indeed focus on students, are still special interest groups in the sense that their aims are not congruent with those of local districts. All of these groups from time to time attempt to influence a school district through dissemination of information, persuasion, or involvement in a program or activity.

## Some Premises

A superintendent should begin with some premises. First and foremost, the needs of the public school students, essentially a "captive" group, are paramount. Since these youngsters are compelled to attend school, they must be protected from all but State and Board of Education-sanctioned and approved influences. The superintendent should also anticipate that special interest groups probably have the best interests of students in mind when requests are made, but that there are usually more compelling motives based upon each organization's history and purposes. The superintendent should also recognize the legitimacy of special interest groups in our society, have an understanding of their functioning, and be willing to meet, discuss, and consider all of their legitimate concerns and requests.

## Philosophical and Practical Aspects

However, as in all relationships, there should be a foundation, a common understanding of purpose, and a rationale for consistent and purposeful response. There are two aspects of this position, a philosophical one and a practical one.

Philosophically, the Board of Education and the organized community should understand and accept the aims of public education and the sanctity and non-partisan nature of the teaching-learning environment. There should be a comprehensive statement of Board philosophy, eclectically conceived, which emphasizes the intellectual, emotional, and social growth of students. From this statement, there should be derived a set of a community's educational goals, in priority order, against which all requests and demands related to students should be measured. The process of establishing philosophy and goals should be broadly advertised and the involvement of all school and community constituents, including all special interest groups, should be encouraged. All should understand that there will be differences of opinion and strong opposing points of view, but that the outcome should represent the Board's sense of the direction the district's schools should take.

Board of Education policies should amplify the philosophical statement and provide direction for the relationship of the district to special interest groups.

## Board of Education Policy

The superintendent should request a meeting of the Board of Education Policy Committee to review all policies dealing with special interest groups. These policies should be matched against the statement of philosophy and listing of district goals to ensure their compatibility. If there are differences, they should be resolved. The policies, original or revised, should outline the relationships between special interest groups and the district. Included must be a restatement of the district's mission, the obligation of the Board to protect the inviolability of the teaching-learning process, and the principles of equity and fairness.

All policies related to outside groups should be copied and distributed to all interested. When they are reviewed or changed, the process should be advertised and described and affected individuals or groups should be invited to participate.

Gaps will never be completely closed. Antagonisms will never be completely blunted. Divisiveness will never be completely eliminated. However, there will be a written set of guidelines which a superintendent can follow when special interest groups make their appeals. (Samples of a statement of philosophy, district goals, and Board of Education policies are appended).

There are some essentials in establishing practical working relationships with groups outside of the school system. The superintendent must be convinced of the legitimacy of such groups in our communities. While these groups may lean toward the tendentious and the polemic, they have a right to approach the school system to promote their points of view. Of course, the superintendent has the right to accept or reject any proposal.

The superintendent should reach out to all recognized special interest groups. He or she should get to know the leaders, members, mission, and modes of operation of each. Relationships should be cordial and professional. The superintendent should invite their participation in the formulation of the philosophy and goals statements, volunteer to be a program speaker, and provide information regarding Board of Education meetings and agendas and the school district in general. These should be face-to-face meetings rather than phone calls or written correspondence whenever possible. Copies of district newsletters, budget documents, and scholarship reports should be routinely sent to a community's organizations. Participation in district committees involving budget, reorganization, calendar, and curriculum should be encouraged. The workings of the district office, and especially the decision making processes, should be described. There should be an understanding of the appellate procedures so that all supplicants are aware of the Board of Education's responsibilities in addition to those of the superintendent.

In all of these relationships the superintendent must continually emphasize that consultation does not mean compliance, that personnel matters and relationships are confidential, and that most issues relating to schools are extremely complex and involve conflicting expedients and principles.

## Responses

Each specific request of a special interest group must be considered in the light of the following:

State Law;
Board of Education Philosophy;
District Goals Priority;
Board of Education Policies.

In addition, continuity of instruction, consultative processes and practices in decision making, and effective administration must also be considered.

Should any of the above considerations not be met, the superintendent should politely, considerately, and emphatically deny the request. If necessary, there should be a review of appellate procedures. If the request meets all of the conditions, then the superintendent should consult the Board President, list the matter as an agenda item, prepare the necessary background information, be prepared for a definite recommendation, and invite all interested parties to the meeting at which the issue will be discussed well in advance of the date.

In actual practice, the superintendent will say "no" many more times than "yes", because of the narrow focus, by definition, of special interest groups competing against the broader educational goals for which a local district is responsible. The challenge is to say "no" and yet retain the support of the special interest group for the district and for public education in general.

SAMPLE

## STATEMENT OF PHILOSOPHY

Education is the search for truth and knowledge. We believe our role in public education is to provide an opportunity for and an inspiration to each student to continue this quest for the rest of his/her life.

We believe that each student has the right to the opportunity to learn to capacity, to grow in intellect, to mature emotionally, to develop aesthetic appreciation, and to accept responsibilities to self and others, all within an environment conducive to health and safety.

We believe that there is a degree of goodness, nobility and heroism in all human beings and that it is our task to provide outlets for these for the individual's and society's benefit.

SAMPLE

## DISTRICT GOALS IN PRIORITY ORDER

1. Develop Skills in Reading, Writing, Speaking, Listening, and Mathematics
2. Learn How to Examine and Use Information
3. Develop a Desire for Learning Now and in the Future
4. Develop Good Character and Self-respect
5. Develop Pride in Work and a Feeling of Self-worth
6. Learn How to be a Good Citizen and to Understand and Practice Democratic Ideas and Ideals
7. Appreciate Culture and Beauty in the World
8. Learn How to Respect and Get Along With People Who Think, Dress, and Act Differently and From Those With Whom We Work and Live
9. Learn About and Try to Understand the Changes That Take Place in the World
10. Develop Skills to Enter a Specific Field of Work and Gain Information Needed to Make Job Selections
11. Develop Skills in Science and Management of the Environment
12. Practice and Understand the Ideas of Health and Safety
13. Understand and Practice the Skills of Family Living
14. Learn How to Use Leisure Time

SAMPLE

## POLICY WITH REGARD TO DISTRIBUTION AND POSTING IN THE SCHOOLS

Literature containing information about meetings or functions may be distributed to pupils within the schools only when said meetings or functions are conducted directly by the Board of Education, a school or schools, or a parent organization.

Posters, placards, displays, or other such advertising media shall not be placed in any school building or on other school property without the specific approval of the Superintendent of Schools. Such approval is limited to the list of organizations specified by the Board.

Requests other than those specified by the provisions of the previous paragraph must be submitted to the Board of Education.

The Booster Club, Little League, Police Boys Club, Boy Scouts, Cub Scouts, Girl Scouts, Brownies, 4-H Club, and North Shore Soccer Club shall be permitted to make one distribution of an informative announcement per school year, form and content to be subject to the approval of the school Superintendent, without any provision for return of any material through the school.

Revised 1/8/62
Revised 9/26/62
Revised 2/2/78
Revised 10/5/78
Revised 1/3/80

BB
PERTINENT

# Pertinent Legal and Regulatory Provisions

**BB-1**

Dennis G. O'Hara

# PERTINENT LEGAL AND REGULATORY PROVISIONS

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# ESSENCE OF SCHOOL LEADERSHIP

## Education Law Provisions

| | |
|---|---|
| Sec. 913 | Medical examinations of staff |
| Sec. 1103 | Duty to approve course instructions |
| Sec. 1711 | Powers and duties |
| Sec. 1950 (4) (w) | Duty to approve BOCES contract |
| Sec. 3811 | Duty to notify board in case of action against district |
| Sec. 2508 | Powers and duties |
| Sec. 2509 | Duty to recommend personnel appointments |
| Sec. 2566 | City superintendents' powers and duties |
| Sec. 2568 | Duty to require medical exam |
| Sec. 2573 (1), (3), (5), (6), (11), (13) | Duty to recommend personnel appointments |
| Sec. 3012 | Duty to recommend tenure appointments |
| Sec. 3213 (1) (b) | Duty to appoint attendance supervisor |
| Sec. 3214 | Suspension of students |
| Sec. 3635 (3) | Duty to approve transportation contracts |

## Other Statutes

| | |
|---|---|
| Public Officers Law Sec. 18 | Indemnification statute |

## Regulations

| | |
|---|---|
| 8 NYCRR 7.2 | Authority to establish higher standards for teachers |
| 8 NYCRR 20.1 | Disqualification of employees for subversive activities |
| 8 NYCRR 22.1 | Issuance of Certificates of Literacy |
| 8 NYCRR 80.18 | Application to employ uncertified teachers |
| 8 NYCRR 80.33 | Application for temporary license for supplementary school personnel |

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| 8 NYCRR 80.35 | Application to employ retired persons |
| 8 NYCRR 80.36 | Employment of appropriately qualified substitutes |
| 8 NYCRR 83.1 | Reference to the Division of Teacher Education and Certification |
| 8 NYCRR 84.2 | Requests by Board members to review employee personnel records |
| 8 NYCRR 100.2(1) | Adoption of policy on school conduct and discipline |
| 8 NYCRR 100.2(m) | Submission of comprehensive assessment report to the Board of Education |
| 8 NYCRR 100.2(o) | Development of formal procedures for the evaluation of all school personnel |
| 8 NYCRR 100.5(d) | Determinations with respect to alternatives to Regents or local diploma requirements |
| 8 NYCRR 100.6(d) | Reports to the State Education Department on the issuance of local certificates |
| 8 NYCRR 100.3 | Recommendation of personnel |
| 8 NYCRR 144.2 | Designating schools for receipt of incentive grants |
| 8 NYCRR 156.1 | Applications with respect to transportation services and contracts |
| 8 NYCRR 170.2 | To make transfers within budget accounts |
| 8 NYCRR 171 | Approval of course instructions |
| 8 NYCRR 175.29 | Applications for teacher summer business training and employment program |

# LEADERSHIP AND MANAGEMENT IN THE BOCES DISTRICT

## Education Law Provisions

| | |
|---|---|
| Sec. 1950(2), (4) (e), 4(r) & (w) | Executive committee; personnel appointments; program services to outside districts |
| Sec. 2215(2) | General powers and duties of District Superintendent |
| Sec. 3008 | Issuance of teachers' certificates |
| Sec. 3204 | Appointment of District Superintendent |
| Sec. 3811 | Indemnification |

## Regulations

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|---|---|
| 8 NYCRR 171 | Duties of District Superintendent |

# THE SUPERINTENDENT'S CONTRACT

## Education Law Provisions

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|---|---|
| Sec. 1711(1), (2), (3) | Authority to Contract |
| Sec. 2507 | Appointment by Board of Education (Small City School District) |
| Sec. 2565 | Term of Employment (City School District) |
| Sec. 3003 | Qualifications; Generally |
| Sec. 3811 | Indemnification |

## Regulations

| | |
|---|---|
| 8 NYCRR 100.2(o) (2) | Annual Evaluation Requirement |

# SUPERINTENDENT - SCHOOL BOARD RELATIONSHIPS

## Selected Education Law Provisions

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|---|---|
| Sec. 410 | Conflict of interest prohibition |
| Sec. 1528 | Duty to file expenditure statements by candidates for election to the board of education |

### Laws Related to Boards of Education of Common School Districts

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| Sec. 1604 | Powers and duties of the trustees |

### Laws Related to Boards of Education of Union Free School Districts (Generally Applicable to Central School Districts via Sec. 1805)

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|---|---|
| Sec. 1709 | Powers and duties |
| Sec. 1710 | Boards of education have all privileges and powers as well as duties of trustees of common school districts |
| Sec. 1711 | Authority and procedures for the appointment of a superintendent of schools and description of his relationship to the board |

### Laws Related to Boards of Education of Central School Districts

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| Sec. 1805 | Central School Districts have same powers and are subject to same limitations as are conferred or imposed upon Union Free Districts |

### Laws Related to District Meetings

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|---|---|
| Sec. 2013 | Authority of board to fix date of election of board members, date for voting on appropriations of funds, and levy of taxes; obligation to submit proposition to voters following petition of 25% of voters |
| Sec. 2035 | Board of education determines procedure for submitting propositions |

### Laws Related to School District Officers

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|---|---|
| Sec. 2109 | Board members may vacate office by refusal to serve and attend meetings |

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|---|---|
| Sec. 2112 | Vacancy created by death, resignation, refusal to serve, incapacity or removal from office |
| Sec. 2113 | Filling of vacancies |

### Laws Related to Board of Education in City School Districts of Cities with Less Than 125,000 Inhabitants

| | |
|---|---|
| Sec. 2502 | Provisions regarding size of board, term of members, provisions for change in size, elections, qualifications of board members, vacancies in office, qualification of voters, procedure for nomination and election |
| Sec. 2503 | Powers and duties of the board of education |
| Sec. 2507 | The superintendent and any associate superintendent is appointed by and serves at the pleasure of the board; also sets forth qualifications for superintendent and deputy, associate, and assistant superintendent |
| Sec. 2508 | Authority of the superintendent is subject to the by-laws of the board |
| Sec. 2509 | The board appoints teachers, administrators, directors, supervisors, principals upon recommendation of the superintendent; associate superintendents and all other employees are appointed by the board |

### Laws Related to Boards of Education of City School Districts of Cities with 125,000 or More Inhabitants

| | |
|---|---|
| Sec. 2554 | Powers and duties of the board |
| Sec. 2565 | Term of superintendent and associate superintendents |
| Sec. 2566 | Powers of the superintendent subject to the by-laws of the board of education |
| Sec. 2573 | Teachers and members of the teaching staff appointed by the board of education upon recommendation of the superintendent of schools; administrators, directors, supervisors, principals and certain other supervisory staff appointed by the board of education upon recommendation of the superintendent or chancellor |
| Sec. 2590-e | Powers and duties of community board |
| Sec. 2590-f | Powers and duties of community superintendents |
| Sec. 2590-g | Powers and duties of the city board |

General Consideration for Board
Members in all Districts

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|---|---|
| Sec. 3012 | Authority to appoint teachers and other members of the teaching staff; similar authority as to principals, administrators; tenure recommendations |
| Sec. 3016 | Limitation on nepotism |
| Sec. 3020-a | Procedure for removal of tenured employee |
| Sec. 3031 | Duty of board to review tenure recommendations (Fair Dismissal Law) |

## Selected Regulations

| | |
|---|---|
| 8 NYCRR 7.2 | Authority to establish higher standards for teachers than those set by the Commissioner |
| 8 NYCRR 20.1 | Duty of board to remove superintendents, teachers and employees for subversive activities |
| 8 NYCRR 84.2 | Procedure by Board members to obtain access to employee personnel records |
| 8 NYCRR 84.3 | Use of information from personnel records |
| 8 NYCRR 100.2(o) | Annual performance review of professional personnel including superintendent |

## Selected Education Law Provisions

| | |
|---|---|
| Sec. 410 | Conflict of interest prohibition |
| Sec. 912-a | Right to examine pupils for drug abuse |
| Sec. 913 | Right to require medical exam of employees |

### Laws Related to Boards of Education of Common School Districts

| | |
|---|---|
| Sec. 1528 | Duty to file expenditure statements by candidates for election to the board of education |
| Sec. 1604 | Powers and duties of the trustees |
| Sec. 1607 | Powers of trustees when vacancies on board exist |

### Laws Related to Boards of Education of Union Free School Districts (Generally Applicable to Central School Districts via Sec. 1805)

| | |
|---|---|
| Sec. 1703 | Change in the number of members of a board of education |
| Sec. 1706 | Removal of board member by the Commissioner of Education for cause |
| Sec. 1708 | Quarterly meetings required; visitation of schools mandated; executive sessions authorized |
| Sec. 1709 | Powers and duties |
| Sec. 1710 | Boards of education have all privileges and powers as well as duties of trustees of common school districts |
| Sec. 1711 | Authority and procedures for the appointment of a superintendent of schools and description of his relationship to the board |
| Sec. 1716-a | Duty to prepare long range fiscal and program plans and enrollment projections |
| Sec. 1723-a | Duty of board of education regarding temporary investment of school district funds |

## Laws Related to Boards of Education of Central School Districts

| | |
|---|---|
| Sec. 1804 | Size; election; and powers and duties of the board of education |
| Sec. 1805 | Central School Districts have same powers and are subject to same limitations as are conferred or imposed upon Union Free Districts |

## Laws Related to Boards of Education of Central High School Districts

| | |
|---|---|
| Sec. 1901 | Size; number and election of members of boards of education |
| Sec. 1914 | Board of education; number and election |

## Laws Related to Boards of Cooperative Educational Services

| | |
|---|---|
| Sec. 1950 | Establishment of boards of cooperative educational services (BOCES) pending the creation of intermediate districts |

## Laws Related to District Meetings

| | |
|---|---|
| Sec. 2018 | Procedure for nomination of board of education |
| Sec. 2018-a | Authority of board of education to authorize absentee ballots for election of its members and library trustees, adoption of the budget and referenda |
| Sec. 2023 | Authority of board to levy a tax to provide for ordinary contingent expenses in the event the voters refuse to approve the budget |

## Laws Related to School District Officers

| | |
|---|---|
| Sec. 2101 | Board of education shall consist of from three to nine members/District officers |
| Sec. 2103 | Certain individuals ineligible to be members of the board |
| Sec. 2109 | Board members may vacate office by refusal to serve and attend meetings |
| Sec. 2118 | Authority for reimbursement of expenses of board members in performance of official duties |

## Laws Related to Board of Education in City School Districts of Cities with Less Than 125,000 Inhabitants

| | |
|---|---|
| Sec. 2502 | Provisions regarding size of board, term of members, provisions for change in size, elections, qualifications of board members, vacancies in office, qualification of voters, procedure for nomination and election |
| Sec. 2503 | Powers and duties of the board of education |
| Sec. 2507 | The superintendent and any associate superintendent is appointed by and serves at the pleasure of the board, qualifications for superintendent and deputy, associate, and assistant superintendent. |
| Sec. 2508 | Authority of the superintendent is subject to the by-laws of the board |
| Sec. 2509 | The board appoints teachers, administrators, directors, supervisors, principals upon recommendation of the superintendent; associate superintendents and all other employees are appointed by the board. |
| Sec. 2510 | Special rules regarding abolition of an office or position by the board of education |
| Sec. 2526 | The board may adopt a resolution establishing the office of auditor and appoint a person to that position - board members are prohibited from serving as auditor |
| Sec. 2566 | Powers of the superintendent subject to the by-laws of the board of education |

## Laws Related to Boards of Education of City School Districts of Cities with 125,000 or More Inhabitants

| | |
|---|---|
| Sec. 2537(1), (3), (5), (6), (11), (13) | Personnel appointments |
| Sec. 2554 | Powers and duties of the board |
| Sec. 2559 | Board member may be removed by the Commissioner of Education for cause |
| Sec. 2565 | Term of superintendent and associate superintendents |
| Sec. 2566 | Powers of the superintendent subject to the by-laws of the board of education |

| | |
|---|---|
| Sec. 2573 | Teachers and members of the teaching staff appointed by the board of education upon recommendation of the superintendent of schools; administrators, directors, supervisors, principals and certain other supervisory staff appointed by the board of education upon recommendation of the superintendent or chancellor |
| Sec. 2585 | Constraints on board of education in abolishing positions |
| Sec. 2590-e | Powers and duties of community board |
| Sec. 2590-f | Powers and duties of community superintendents |
| Sec. 2590-g | Powers and duties of the city board |

### Laws Related to Board Members in All Districts

| | |
|---|---|
| Sec. 2801 | Duty of board of education to adopt rules and regulations for the maintenance of public order on school property and program for enforcement |
| Sec. 3012 | Authority to appoint teachers and other members of the teaching staff; similar authority as to principals, administrators; tenure recommendations |
| Sec. 3016 | Limitation on nepotism |
| Sec. 3019-a | Duty of board to give written notice to teacher being terminated during probationary period |
| Sec. 3020-a | Procedure for removal of tenured employee |
| Sec. 3023 | Duty of board to hold harmless certain employees acting in the course of their employment; authority to insure or self insure; duty of employee to notify board |
| Sec. 3031 | Duty of board to review tenure recommendations |
| Sec. 3214 | Authority to suspend pupils |
| Sec. 3651 | Authority to create reserve funds |
| Sec. 4402 | Duties of school districts in regard to handicapped children |

## Selected Regulations

| | |
|---|---|
| 8 NYCRR 7.2 | Authority to establish higher standards for teachers |
| 8 NYCRR 19.5 | Prohibition against corporal punishment |

| | |
|---|---|
| 8 NYCRR 30.3 | Contents of resolution making probationary appointments |
| 8 NYCRR 30.9 | Assignment of probationary employee to designated tenure area |
| 8 NYCRR 30.12 | Modification of grade structure |
| 8 NYCRR 30.13 | Abolition of positions |
| 8 NYCRR 82. | Charges for removal of tenured employee pursuant to Sec. 3020-a of the Education Law |
| 8 NYCRR 84.2 | Procedure by Board members to obtain access to employee personnel records |
| 8 NYCRR 84.3 | Use of information from personnel records |
| 8 NYCRR 100.2(a) | Duty to appoint principals and prepare policy guidelines for the educational program |
| 8 NYCRR 100.2(c) | Mandated instruction in certain subjects |
| 8 NYCRR 100.2(d) | Second language requirements |
| 8 NYCRR 100.2(e) | Courses leading to Regents diploma must be available in each school |
| 8 NYCRR 100.2(h) | Mandated opportunity for occupational education sequence |
| 8 NYCRR 100.2(j) | Mandated guidance program in each school as part of a District plan |
| 8 NYCRR 100.2(k) | Nondiscrimination mandatory in curricular and extra curricular activities |
| 8 NYCRR 100.2(l) | Requirement for policy on school conduct and discipline |
| 8 NYCRR 100.2(m) | Submission of Comprehensive School Improvement Plan |
| 8 NYCRR 100.2(o) | Annual performance review of professional personnel including superintendent |
| 8 NYCRR 100.6 | Written policy and procedure to award a certificate to student with handicapping condition |
| 8 NYCRR 100.7 | Application for approval of alternative high school equivalency preparation programs |
| 8 NYCRR 101.2 | Course examination of minor to determine exemption from attendance |

| | |
|---|---|
| 8 NYCRR 102.4 | Review of decision by principal as to fraud in Regents examinations |
| 8 NYCRR 109.2 | Absence from school for religious observance and education |
| 8 NYCRR 114 | Bidding exemption for direct purchases |
| 8 NYCRR 114.2 | Food service management contracts |
| 8 NYCRR 115.1 | Preparation of long range plans for the District |
| 8 NYCRR 135.3 | Health education plan |
| 8 NYCRR 135.4 | Physical education plan |
| 8 NYCRR 136.2 | General duties to provide a program of health service |
| 8 NYCRR 136.3 | Specific provisions for health service |
| 8 NYCRR 170.2 | Certain powers and duties of board in financial matters |
| 8 NYCRR 200.2 | Responsibility of the board of education with regard to children with handicapping conditions |
| 8 NYCRR 200.3 | Duty of the board to appoint a committee on the handicapped |
| 8 NYCRR 200.4(d) | Duty of the board of education to provide appropriate special programs and services within thirty days of the receipt of the recommendation of the committee on the handicapped |
| 8 NYCRR 200.6 | Description of the continuum of services that must be made available to a pupil with a handicapping condition |

# PLANNING IN THE LOCAL SCHOOL DISTRICT

## Education Law Provisions

| | |
|---|---|
| Sec. 1608-a | Projected long range plans |
| Sec. 1950(f) (c) | BOCES long range program plans |

## Regulations

| | |
|---|---|
| 8 NYCRR 100.2(j) | Plans for Guidance Programs |
| 8 NYCRR 115 | Long Range Plans |
| 8 NYCRR 135.4 | Plans for Physical Education |
| 8 NYCRR 142.4 | Plans for Gifted and Talented Program Aid |
| 8 NYCRR 148.1 | Experimental Programs |
| 8 NYCRR 149.4 | Plans for Pupils with Special Educational Needs |
| 8 NYCRR 154.4 | Plans to meet the Educational Needs of Pupils with Limited English Proficiency |
| 8 NYCRR 155.1 | Plans for Educational Facilities |
| 8 NYCRR 156.2 | Transportation plans |
| 8 NYCRR 175.23 | Plans for Attendance Improvement and Drop Out Prevention |
| 8 NYCRR 175.24 | Plans for Staff Improvement |
| 8 NYCRR 200.2 | Plans for Pupils with Handicapping Conditions |

## DECLINING ENROLLMENT IN THE SCHOOL DISTRICT

### Selected Education Law Provisions

| | |
|---|---|
| Sec. 314 | State Plan for school district reorganization |
| Sec. 401 | Designation and change of school sites |
| Sec. 402 | Sale of former school house or site |
| Sec. 403-a | Leasing of school property |
| Sec. 403-b | Lease of school buildings to or from another school district |
| Sec. 405 | Conveyance of excess school property to a public corporation |
| Sec. 412 | Condemnation of school buildings |
| Sec. 450-471 | New York City Educational Construction Fund |
| Sec. 1504 | Formation of new school district |
| Sec. 1505 | Dissolution, reformation and construction of districts |
| Sec. 1507 | Altering boundaries of school districts with consent |
| Sec. 1508 | Alteration of school district boundaries without consent |
| Sec. 1509, et seq | Procedure for and effect of dissolved, altered or consolidated district |
| Sec. 1524 | Consolidation with city school property |
| Sec. 1525 | Altering boundaries of city school districts |
| Sec. 1526 | Creation of enlarged city school districts |
| Sec. 1801 | Formation and changes of central school districts |
| Sec. 1802 (2) | Annexation of territory to a central school district |
| Sec. 2201 | Alteration and consolidation of supervisory districts |

Laws Related to Boards of Education of Common School Districts

| | |
|---|---|
| Sec. 1604 | Powers and duties of the trustees |
| Sec. 1608-a | Duty to prepare long range plans including a three year fiscal and program projection and a six year enrollment projection |

### Laws Related to Boards of Education of Union Free School Districts (Generally Applicable to Central School Districts via Sec. 1805)

| | |
|---|---|
| Sec. 1709 | Powers and duties, including the power to sell school property |
| Sec. 1716-a | Duty to prepare long range fiscal and program plans and enrollment projections |
| Sec. 1726 | Authorization to enter lease and lease purchase arrangements for buildings |

### Laws Related to Boards of Education of Central School Districts

| | |
|---|---|
| Sec. 1804 | Size; election; and powers and duties of the board of education |
| Sec. 1805 | Central School Districts have same powers and are subject to same limitations as are conferred or imposed upon Union Free Districts |

### Laws Related to Boards of Education of Central High School Districts

| | |
|---|---|
| Sec. 1915 | Authority to lease space and designate sites for buildings |

### Laws Related to Boards of Education in City School Districts of Cities with Less Than 125,000 Inhabitants

| | |
|---|---|
| Sec. 2511 | The authority of the board to purchase real and personal property and dispose of same |
| Sec. 2512 | Authority of the board to acquire, repair, construct new facilities; authority to sell or dispose of property |

### Laws Related to Boards of Education of City School Districts of Cities with 125,000 or More Inhabitants

| | |
|---|---|
| Sec. 2556 | Authority of board to purchase, repair, remodel or improve school buildings and acquire sites for school facilities |
| Sec. 2557 | Authority of the board of education to acquire real property |

| | |
|---|---|
| Sec. 2564 | Authority to divide the city school district of New York into local school board districts |

Selected Regulations

| | |
|---|---|
| 8 NYCRR 30.12 | Modification of grade structure |
| 8 NYCRR 115.1 | Preparation of long range plans for the District |
| 8 NYCRR 155.7 | Purchase of existing buildings |
| 8 NYCRR 155.8 | Leasing of surplus buildings |
| 8 NYCRR 278 | Practice on school district reorganization hearings |

## Selected Education Law Provisions

| | |
|---|---|
| Sec. 701 | Authority of board to designate textbooks |
| Sec. 704 | Textbooks should be free of seditious matter |
| Sec. 801 | Requirement to implement courses in patriotism, citizenship and history as such may be prescribed by the Regents |
| Sec. 803 | All pupils over eight years of age must receive instruction in physical education and related subjects |
| Sec. 804 | Mandatory instruction regarding alcohol, tobacco and other drugs |
| Sec. 806 | Regents prescribed courses of instruction in highway safety and traffic regulation including bicycle safety |
| Sec. 806-a | Driver's education shall incorporate instruction on the effects of alcohol and drug use |
| Sec. 808 | Mandatory instruction in fire and arson prevention |
| Sec. 809 | Mandatory instruction in humane treatment of animals and birds |
| Sec. 809-a | Permissive instruction in the safe use of firearms and in the game laws |
| Sec. 810 | Conservation day exercises and instruction |
| Sec. 3204 | General description of instruction required |
| Sec. 4002 | Right of children between the ages of five and twenty-one who reside in a child care institution and who have not yet graduated from high school to receive a free and appropriate education |
| Sec. 4402-2a | Obligation to furnish suitable educational opportunities for handicapped children |
| Sec. 4602 | Obligation to provide secondary school pupils and adults with access to programs of occupational education |
| Sec. 4603 | Permissive authority for boards of education to establish and maintain nonvocational practical arts exploratory courses in industrial arts, home economics, business and agriculture |

| | |
|---|---|
| Sec. 4604 | A board of education may establish and maintain day and evening schools for adults for continuing education |
| Sec. 4605 | Board of education may provide vocational educational guidance services |

## Selected Regulations

| | |
|---|---|
| 8 NYCRR 100.2(c) | Mandatory instruction in certain subjects |
| 8 NYCRR 100.2(d) | Second language requirement |
| 8 NYCRR 100.2(j) | Each school district shall have a guidance program for all students |
| 8 NYCRR 100.2(s) | Right of students with handicapping conditions to have access to the full range of programs and services |
| 8 NYCRR 100.3 | Program requirements for students in grades pre-kindergarten through six |
| 8 NYCRR 100.4 | Program requirements for students in grades seven and eight |
| 8 NYCRR 100.5(a) | General requirements for a Regents or local high school diploma |
| 8 NYCRR 100.5(b) | Additional requirements for the Regents diploma |
| 8 NYCRR 100.5(c) | Additional requirements for the local diploma |
| 8 NYCRR 100.5(d) | Alternatives to specific Regents and local diploma requirements |
| 8 NYCRR 100.6 | Provision for local certificate for a student with a handicapping condition |
| 8 NYCRR 100.7 | State high school equivalency diploma |
| 8 NYCRR 100.8 | Local high school equivalency diploma |
| 8 NYCRR 135.2 | General regulations for program of health, physical education and recreation |
| 8 NYCRR 135.3 | Health education |
| 8 NYCRR 135.4 | Physical education |
| 8 NYCRR 136.2 | General regulations regarding a program of health service |

| | |
|---|---|
| 8 NYCRR 136.3 | Health service regulations |
| 8 NYCRR 141.1 | Authority to establish occupational educational program |
| 8 NYCRR 141.3 | Planning requirement for occupational education |
| 8 NYCRR 141.4 | Programs and services for occupational education |
| 8 NYCRR 141.4 | Standards for occupational education programs |
| 8 NYCRR 141.8 | School-to-employment programs of occupational education |
| 8 NYCRR 141.9 | School-to-employment programs in connection with vocational rehabilitation |
| 8 NYCRR 200.6 | Continuum of services that must be provided to a pupil with a handicapping condition |

## COMPUTERS IN INSTRUCTION

### Selected Education Law Provisions

| | |
|---|---|
| Sec. 316 | Authority for the creation of teacher resource and computer training centers |
| Sec. 751 | Aid for computer software purchases |
| Sec. 752 | Authority to loan computer software programs to students including students attending private schools |
| Sec. 1950 | Authority for board of cooperative educational services to enter into contracts with public agencies for computer services |
| Sec. 3602-(17c) & (26) | Authorized aid for computer expenses |

### Selected Regulations

| | |
|---|---|
| 8 NYCRR 21.3 | Lending procedures for computer software |
| 8 NYCRR 175.25 | Approval of expenses for the purchase or lease of computer software pursuant to Education Law Sec. 3602(26) |

## Education Law Provisions

| | |
|---|---|
| Sec. 3205 | Compulsory attendance |
| Sec. 3210 | Amount of required attendance |
| Sec. 3214 | Suspension grounds and procedures |

## Regulations

| | |
|---|---|
| 8 NYCRR 19.5 | Board of Regents prohibition on corporal punishment |
| 8 NYCRR 100.2(1) | Requirement for policy on school conduct and discipline |

## SPECIAL EDUCATION IN THE SCHOOL DISTRICT

### Selected Education Law Provisions

| | |
|---|---|
| Sec. 1110 | Authority to establish a special education district within Westchester County (only) |
| Sec. 4002 | Educational services in restrictive environment |
| Sec. 4003 | Tuition and maintenance reimbursement procedures |
| Sec. 4004 | Financial responsibility |
| Sec. 4005 | Placement and evaluation of children |
| Sec. 4402 | Each board of education is required to furnish suitable education opportunities for handicapped children |
| Sec. 4404 | Appeal procedure in the event that the parents or guardians of a child disagree with the recommendation of the committee on the handicapped or if the committee fails to make a recommendation |

### Selected Regulations

| | |
|---|---|
| 8 NYCRR 200.2 | Responsibilities of the board of education |
| 8 NYCRR 200.3 | Obligation to create a committee on the handicapped |
| 8 NYCRR 200.4 | Procedures for referral, evaluation, individual education program development, placement and review |
| 8 NYCRR 200.5 | Procedural due process |
| 8 NYCRR 200.6 | Continuum of services that must be provided by a school district for the benefit of children with handicapping conditions |
| 8 NYCRR 200.7 | Program standards for education programs for pupils with handicapping conditions being educated in private schools and state operated or supported schools |
| 8 NYCRR 200.12 | State assistance for transportation of handicapped pupils |

# FACULTY STUDY: ESSENTIAL INGREDIENTS

## Selected Education Law Provisions

| | |
|---|---|
| Sec. 316 | School districts may apply to the Commissioner of Education for funds to establish and operate teacher resource and computer training centers |
| Sec 1709(32) | Boards of education have the power and duty to provide in-service training for its teachers |
| Sec. 3032 | Teacher summer business training and employment program created which allows for businesses to receive grants for employment of certain types of teachers during the months of July and August |

## Selected Regulations

| | |
|---|---|
| 8 NYCRR 17.29 | Teacher summer business training and employment programs |
| 8 NYCRR 81.2 | Criteria for grant to support teacher resource and computer training center |
| 8 NYCRR 175.24 | Regulations on staff development |
| 8 NYCRR 175.32 | Efficiency study grants |

# COLLECTIVE NEGOTIATIONS

## Statutes

| | |
|---|---|
| Civil Service Law Sec. 200 et seq | Taylor Act which governs collective bargaining procedures and law |

## Regulations

| | |
|---|---|
| 4 NYCRR 201.1 et seq | PERB's Rules and Regulations |

## Selected Education Law Provisions

| | |
|---|---|
| Sec. 401 | Procedure for site selection and change of site |
| Sec. 402 | Sale and use of former school buildings and sites |
| Sec. 403 | Restrictions on proceeds received from sale under Sec. 402 |
| Sec. 403-a | Real property not needed for school district purposes may be leased subject to certain provisions |
| Sec. 403-b | Districts may lease surplus school buildings to and from each other |
| Sec. 404 | City school districts with less than 70,000 inhabitants, union free school districts and districts organized under special laws (as provided in Sec. 407) have the power to acquire real property by gift, grant, purchase or condemnation |
| Sec. 405 | Authority to convey real property to public corporation with or without consideration when no longer needed |
| Sec. 408 | All plans and specifications for the erection, purchase, repair, enlargement or remodeling of a school building at a cost in excess of $100,000 must be submitted to the Commissioner of Education for his approval (except in a city school district with a population in excess of 70,000 in regard to which the Commissioner may waive this requirement) |
| Sec. 409 | All school buildings (except in districts having in excess of 125,000 inhabitants) must comply with regulations of the Commissioner regarding heating, lighting, ventilation, sanitation, health, fire and accident protection |
| Sec. 409-b | Special rules regarding use of mercury vapor or metal halide lamps within the school buildings |
| Sec. 414 | Use of school buildings and grounds for nonschool purposes is permitted under certain circumstance and conditions (see also, the Federal Equal Access Act, Sec. 801, 20 USC 4071) |
| Sec. 453 | New York City Education Construction Fund, created for the purpose of facilitating provision of combined occupancy structures to expedite the creation and replacement of elementary and secondary school facilities in the City of New York |

| | |
|---|---|
| Sec. 1608-a | The duty to prepare long range plans including a three year fiscal and program projection and a six year enrollment projection (Common School Districts) |
| Sec. 1709 | Broad powers of a school district to acquire sites to construct and operate buildings for education and recreational purposes, lease space for school district purposes, utilize its cafeteria facilities for elderly residents, etc. |
| Sec. 1716-a | A board of education has a duty to prepare long range plans for the district including a three year fiscal and program projection and a six year enrollment projection (Union Free and Central School District) |
| Sec. 1915 | Powers of a board of education in a central high school district to lease, construct, purchase or otherwise acquire land or buildings for school purposes |
| Sec. 2511 | Authority of the board of education in city school districts to purchase, sell and otherwise acquire real property (cities with less than 125,000 inhabitants) |
| Sec. 2556 | Authority of boards of education in a city with more than 125,000 inhabitants to purchase, repair, remodel, improve or enlarge school buildings and to construct new buildings |

Selected Regulations

| | |
|---|---|
| 8 NYCRR 115.1 | Requirements are set forth for compliance with Secs. 1608-a and 1716-a of the Education Law |
| 8 NYCRR 155.1 | Each district must develop and keep on file a comprehensive long range plan pertaining to the educational facilities with annual reevaluation. Facilities are to be designed and constructed according to certain criteria for health, safety, etc. |
| 8 NYCRR 155.2 | Requirement that plans and specifications for the erection, enlargement, repair or remodeling of facilities be submitted to the Commissioner of Education |
| 8 NYCRR 155.3 | Specifications regarding health and safety in existing education facilities |
| 8 NYCRR 155.4 | Fire and building safety inspections |
| 8 NYCRR 155.5 | Procedures for environmental quality review |
| 8 NYCRR 155.7 | Restrictions regarding the purchase of existing buildings |
| 8 NYCRR 155.8 | Restrictions regarding the leasing of surplus school buildings |

# SCHOOL DISTRICT BUDGETING

## Education Law Provisions

| | |
|---|---|
| Sec. 416 | School taxes and bonds |

### Laws Related to School District Officers

| | |
|---|---|
| Sec. 2118 | Authority for reimbursement of expenses of board members in perfoormance of official duties |

### Laws Related to Board of Education in City School Districts of Cities with Less Than 125,000 Inhabitants

| | |
|---|---|
| Sec. 2516 | Duty to prepare and distribute annual budget |
| Sec. 2517 | Duty of the board of education to hold a public hearing on the tentative budget |
| Sec. 2518 | Authority of the board to revise its budget following public hearing |
| Sec. 2519 | Procedure for adoption of budget and publication of notice |
| Sec. 2521 | Authority of the board to make additional appropriations during a fiscal year |
| Sec. 2522 | General budgetary controls |
| Sec. 2528 | Obligation to publish annual report within three months of the close of the fiscal year |

### Laws Related to Boards of Education of City School Districts of Cities with 125,000 or More Inhabitants

| | |
|---|---|
| Sec. 2576 | Annual budget estimates required |
| Sec. 2577 | Annual financial report required |
| Sec. 2580 | Procedure for handling funds |

### General Consideration for Board Members in All Districts

| | |
|---|---|
| Sec. 3651 | Authority to create reserve funds |

| | |
|---|---|
| Sec. 3811 | Right of a board member to be indemnified for cost and damages including legal fees for actions arising out of the exercise of power or performance of duties so long as notice is given to the district within five days |

Selected Regulations

| | |
|---|---|
| 8 NYCRR 170.2 | Certain powers and duties of board in financial matters |
| 8 NYCRR 170.2(k) | Limitations on expenditures beyond appropriations |
| 8 NYCRR 170.2(l) | Budget transfers and delegation of transfer power to Superintendent |
| 8 NYCRR 170.2(o) | Requirement for Treasurer's monthly report |
| 8 NYCRR 170.2(p) | Requirement for Treasurer's quarterly report on fund balances |
| 8 NYCRR 170.2(r) | Annual audit requirement |
| 8 NYCRR 170.2(s) | Requirement for publication of annual financial report |
| 8 NYCRR Part 175 | Commissioner's Regulations on State Aid |

# STATE FINANCIAL AID

## Education Law Provisions

| | |
|---|---|
| Sec. 3601-3609 | General provisions on State Aid |
| Sec. 3620-3629 | Provisions on State Aid for transportation |

## Regulations

| | |
|---|---|
| 8 NYCRR 3.35 | Board of Regents Rules on apportionment of State Aid |
| 8 NYCRR Part 142 | Commissioner's Regulations on educating the gifted and talented |
| 8 NYCRR Part 143 | Commissioner's Regulations on school health services projects |
| 8 NYCRR Part 144 | Commissioner's Regulations on incentive grants |
| 8 NYCRR Part 147 | Commissioner's Regulations on grants for deaf and blind students |
| 8 NYCRR Part 148 | Commissioner's Regulations on State Aid pre-kindergarten experimental programs and improvement of integrated education |
| 8 NYCRR Part 149 | Commissioner's Regulations on instructional programs for pupils with special educational needs |
| 8 NYCRR Part 151 | Commissioner's Regulations on special apportionment for experimental pre-kindergarten programs |
| 8 NYCRR Part 154 | Commissioner's Regulations on apportionment for pupils with limited English proficiency |

# PURCHASING IN THE SCHOOL DISTRICT

## Selected Education Law Provisions

| | |
|---|---|
| Sec. 403-a | Leasing of school property |
| Sec. 403-b | Lease of school buildings to or from another district |
| Sec. 404 | Power of condemnation |
| Sec. 410 | Conflict of interest prohibition |
| Sec. 418 | Buying flags |
| Sec. 2040 | Authority to contract with other districts for education of pupils |
| Sec. 2041 | Authority of board to enter contract to receive and educate pupils |
| Sec. 2513 | The board has the authority to let contracts for public work and purchase after advertisement |
| Sec. 2556 | Authority of board to purchase, repair, remodel or improve school buildings and acquire sites for school facilities |
| Sec. 4119 | Lease to educate Indians |

## Selected General Municipal Law Provisions

| | |
|---|---|
| Sec. 101 | Separate specifications are required for plumbing, HVAC and electric on projects aggregating $50,000 |
| Sec. 103 | Competitive bidding requirement for public works contracts over $7,500 and purchase contracts over $5,000 |
| Sec. 104 | Purchases through Office of General Services |
| Sec. 106-b | Payment requirements on public works projects |
| Sec. 109-b | Authority to enter into installment contracts for equipment, machinery and apparatus |

## Selected Regulations

| | |
|---|---|
| 8 NYCRR 155.8 | Leasing of surplus school buildings |
| 8 NYCRR 155.11 | Leases and contracts for the use of property by BOCES |
| 8 NYCRR 170.2(k) | Expenditures must be within the amount of the total appropriations |

# INSURANCE IN THE SCHOOL DISTRICT

## Selected Education Law Provisions

| | |
|---|---|
| Sec. 1604(6) | Power and Duty to insure |
| Sec. 1709 | Power and Duty to insure |
| Sec. 2118 | Authority for reimbursement of expenses of board members in performance of official duties |

## Other Statutes

| | |
|---|---|
| Sec. 18 Public Officers Law | Optional broad form indemnification |

### Laws Related to Boards of Education of City School Districts of Cities With 125,000 or More Inhabitants

| | |
|---|---|
| Sec. 2560 | Board member entitled to legal representation and indemnification against claims arising out of their service |
| Sec. 2562 | Regulations for presentation of claims against board of education |

### General Consideration for Board Members in All Districts

| | |
|---|---|
| Sec. 3023 | Duty of board to hold harmless certain employees acting in the course of their employment; authority to insure or self insure; duty of employee to notify board |
| Sec. 3028 | Duty of board to pay legal expenses for certain employees in any civil or criminal action arising out of disciplinary action taken against pupil while in the discharge of their duties; duty of notice by claimant |
| Sec. 3109 | Authority of board to enter into agreement to purchase annuities and reduce salary |
| Sec. 3811 | Right of board member to be indemnified for cost and damages including legal fees for actions arising out of the exercise of power or performance of duties so long as notice is given to the district within five days |
| Sec. 3813 | Duty of one bringing an action against the district to give notice within certain prescribed periods after the accrual of the claim |

# PUPIL TRANSPORTATION IN NEW YORK STATE

## Selected Education Law Provisions

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| Sec. 3602-c | Transportation of pupils receiving gifted or occupational and vocational education at a private school |
| Sec. 3620-3629 | Education Law provisions on Transportation and State Aid Transportation Quota |
| Sec. 3635 | Required transportation |
| Sec. 3636 | Stopping at railroad crossings |
| Chapter 619 of the Laws of 1985 | Comprehensive Amendments to the Vehicle and Traffic Law relative to the disqualification of bus drivers |
| 8 NYCRR Part 156 | Commissioner's Regulations on Transportation |
| Sec. 1502 | Lease of school district vehicles to senior citizen centers or not-for-profit organizations |
| Sec. 4402 | Duties of school districts in regard to handicapped children |

### Laws Related to Boards of Education of Central High School Districts

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| Sec. 1907 | Prerogatives regarding transportation of pupils |
| Sec. 2023 | Authority of board to levy a tax to provide for ordinary contingent expenses in the event the voters refuse to approve the budget |

## Selected Regulations

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| 8 NYCRR 200.2 | Responsibility of the board of education with regard to children with handicapping conditions |